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INTERVENTION
IN
DELINQUENCY
PILOT PROJECT

STATE DOCUMENTS COLLECTION

A report to the 56th Montana Legislature
submitted by the
Montana Department of Corrections
January 1999

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DEPARTMENT OF CORRECTIONS



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STATE OF MONTANA

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HELENA, MONTANA 59620 1301

TO: 1999 Montana Legislature
FROM: Mike Ferriter, Administrator Community Corrections Division
RE: Intervention in Delinquency Pilot Project as required in SB 48, Section 73.

1. ***Issue:***

The 1995 Montana Legislature authorized the re-organization of several state agencies. The re-organization included a transfer of juvenile correctional facilities and programs from the Department of Family Services to the newly created Department of Corrections. The re-organization, for the first time in many years, placed all state mandated corrections programs into one state agency. (*See Tab A*)

The function of managing placement funds for juvenile offenders was a new and significant function that challenged the Department of Corrections. The challenge was intensified by the fact that, not only did the Department have to manage funds for offenders that were under the Department's jurisdiction, but also for offenders that were the responsibility of the twenty-one youth courts. As most legislators know, the Department was not a great deal more successful in managing these funds than was the Department of Family Services. In the FY 1996/1997 biennium, the Department received a supplemental appropriation of approximately 3.3 million dollars for juvenile out-of-home placements. Naturally, the Department was not comfortable with this level of over-spending. Therefore, late in FY 1996 and in FY 1997, a variety of measures were put into place in an attempt to improve management of this fund. (*See Tab B*)

One of the measures that seemed to be most significant occurred in July of 1996, when the placement funds were distributed among the five (5) probation and parole regions. The emphasis behind this measure was the thought that "ownership" or lack of it, may be a contributing factor to the over expenditure of the placement funds. Thus, the Department gave the regional administrators authority to "manage the juvenile placement budget within their region." The Department's Administrative Services Division provided current information on budget status and projections. The regional administrators ensured that the chief juvenile probation officers and other members of the youth placement committees were made aware of the status of their region's "allocation." This ongoing awareness instilled a better sense of "ownership" of the budget by the youth courts.



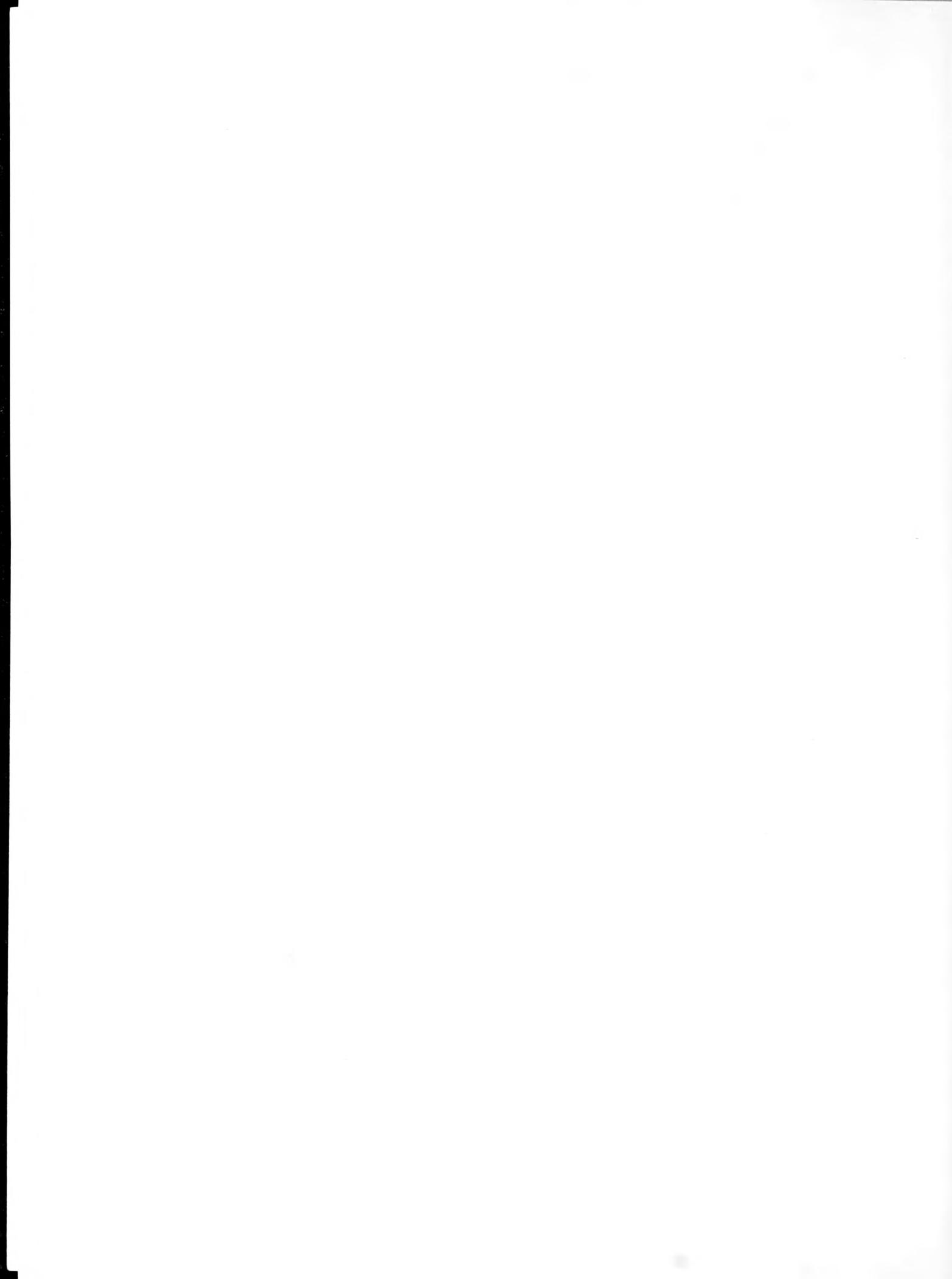
Because the sense of "ownership" had a positive affect on the placement budget, the Department recommended formally distributing placement funds to each judicial district to the 1997 Montana Legislature. After numerous discussions during the 1997 session, the Department withdrew the recommendation. However, the Legislative Select Committee on Corrections, as part of many revisions to Montana's Youth Court Act, authorized the Department to explore the concept of distributing the placement funds directly to the youth court via two pilot districts. (*See Tab C*) As the legislation is multifaceted in its intent, the Department focused primarily on cost effectiveness and flexibility. It was the goal of the Department to use the *pilot project* to demonstrate that flexibility relative to programming could be cost effective and still provide youthful offenders an appropriate level of service.

2) ***The Process:***

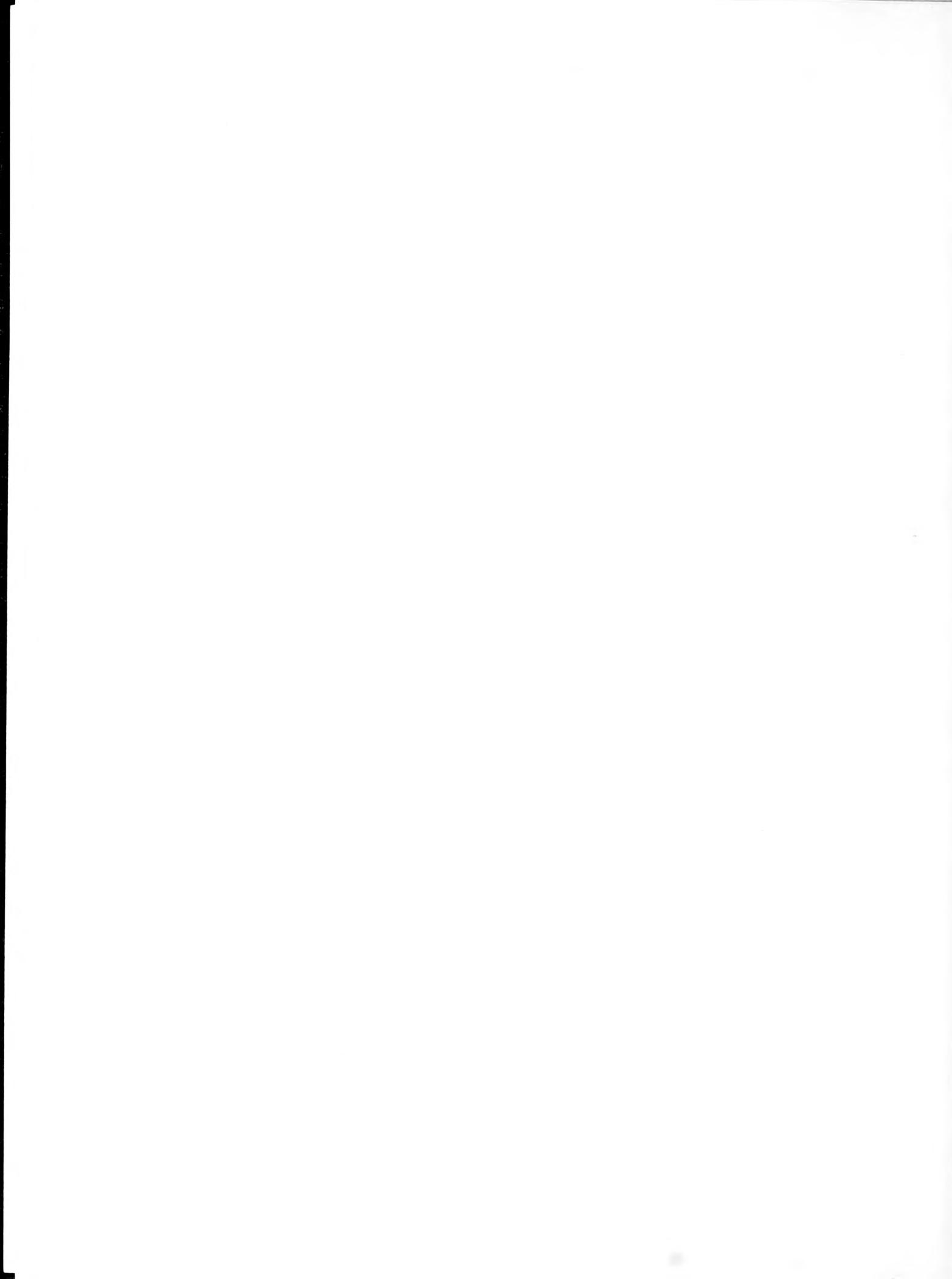
SB 48 permitted the Department of Corrections to conduct a *pilot project*.

The Department elected to conduct the *pilot project* and responded in the following manner:

- a) On June 19, 1997, submitted a letter to the chief probation officers, youth court judges, and county commissioners in all twenty-one judicial districts. The letter informed the recipients of the *pilot project* and that the Department was interested in working with them to develop procedures. The letter asked for a response by July 1, 1997, from those judicial districts interested in participating in the project. (*See Tab D*)
- b) On July 22, 1997, Department representatives reviewed letters from sixteen judicial districts; all reflected some level of interest in participating in the *pilot project*. Nine responses were received from rural districts and eight from urban districts. (*See Tab E*)
- c) Compiled a summary of FY96 and FY97 expenditures per judicial district to help determine who were "high cost" districts. (*See Tab F*)
- d) Acquired information from the Board of Crime Control. (*See Tab F*)
- e) All respondents attended a day long meeting in Helena. As a result of the facilitated process, the participants selected the *First Judicial District* as the pilot for the urban districts and the *Sixteenth Judicial District* as the pilot for the rural districts. (*See Tab G*)
- f) The two pilot districts and the Department established a formal interagency agreement outlining the duties of each. The agreement established a starting date of October 1, 1997. (*See Tab H*)



- g) Collected progress reports from the pilot districts. The most recent summary is attached. (*See Tab I*) Also attached is the projected FY98 financial information for each pilot district as developed by the Department's Administrative Services Division (*See Tab J*) and a summary of the pilot districts' placement activities. (*See Tab K*)
3. ***Legislative Intent:***
- As indicated in SB 48 Section 73 (Tab C), there were a variety of matters to be addressed if the Department chose to conduct a *pilot project*. The matters include:
- a) Development of an incremental cost scale:
- The Department has not completed an incremental cost scale as a result of the current *pilot project*. It has been determined by the Department that to establish a cost scale, additional information is needed. Therefore, the Department has requested an expansion of the Pilot concept in HB 65. HB 65 requests the 56th Legislature to expand the *pilot project* by up to 10 additional districts.
- The cost scale issue is complicated. The assumptions, specified in subsection (5) of SB 48, created a difficult decision for the Department. The assumptions appeared to limit payments by the Department to adjudicated youth placed in an out-of-home residence or committed to the Department for the purposes of funding a private residential placement or placement costs of a youth adjudicated in youth court for an offense listed in 41-5-206 (primarily serious felony offenses). These limits, while understandable, were far more restrictive than those under which the Department had been operating. The inclusion of these restrictions in an incremental cost scale could restrict a pilot district from accessing funds for services for which the Department has traditionally paid. Such restrictions could penalize the pilot districts and could eliminate services to the majority of youth they routinely seek to divert and prevent from moving deeper into the system. Effectively, the Department would have been placed in the position of refusing to fund shelter care services and similar programs for non-adjudicated youth needing such services. The Department was concerned that youth may be shifted deeper into the system in order to access funds which were designated for the purpose of providing the least restrictive and lowest level of system involvement possible.
- b) Categorizing each judicial district as high spending, average spending or low spending:
- The Department categorized each of the 21 districts. In the chart contained in the section labeled *Tab E*, the Department labeled each district as urban or rural and ranked them according to expenditure amounts. The categorization of the districts



created some difficulties. One initial problem for the Department, in selection of appropriate judicial districts based on the criteria listed in Senate Bill 48, was complicated by the process of gathering and applying data collected in various systems through the previous years. An additional problem was the recent partial implementation of the CAPS system for case management and fiscal processing of payments. Current information on those elements that needed to be taken into consideration was difficult to obtain. Various judicial districts reported that accuracy of information relative to placement numbers, population demographics, and crime rates was often suspect from their perspective. As a result, the Department developed data that indicated, in general terms, the populations of "at risk" youth in all judicial districts, related those populations to placement data and previous costs, and determined percentages of budget amounts that would be available for each judicial pilot district. The Department then requested that the Juvenile Probation Officers Association recommend a rural and an urban district which would voluntarily participate with the Department in the project.

The actual selection of the two districts that participated was not specifically based on the high spending of either judicial district, but on their being designated as urban and rural and by their willingness to participate fully in the implementation of the project. The process was strengthened by the voluntary participation of these two districts and the support of the Montana Juvenile Probation Officers Association.

c) Creation of an account for high spending rural and urban district:

As addressed in *Tab D*, a selection process was established and urban Judicial District One and rural District Sixteen were chosen.

d) Retention of balance of funds by the pilot districts:

The legislation calls for a recommendation for allowing the pilot districts to retain any balance of funds remaining at the end of a fiscal year for the explicit purpose of developing additional community programs for youth court purposes.

This directive became especially problematic. The prospective pilot districts and the districts that volunteered to participate saw this stipulation as an opportunity to gain much needed financial resources for their communities. The districts viewed this as a means of developing alternative and prevention programs. However, to limit spending and placements towards achieving the objective of creating a surplus, the districts could choose to:

- ▶ limit spending by placing fewer youth.
- ▶ limit spending by placing youth in programs that were less costly, but less appropriate.
- ▶ lower costs and limit spending by placing youth in programs or services funded through sources other than *pilot project* funds.



With the aforementioned in mind, the Department recommends that Youth Court Districts One and Sixteen should retain the balance of their allocated budgets. However, the retention should be based on each district's ability to not only reduce out-of-home placement costs, but also to maintain or lower the previous year's level of use of the state operated youth correctional facilities. A formal review of each juvenile placed during the previous years should take place in order to determine if all options were explored prior to the distribution of the remaining balance.

- e) Justifying and recommending whether to include the state youth correctional facilities and programs in the incremental scale:

Currently, the Department does not recommend that Pine Hills Youth Correctional Facility or Riverside Youth Correctional Facility placement costs come from the pilot district allocated funds. At this point, a system that extracts the budget from the two facilities would not be advantageous and would pose significant problems in the staffing and daily operations of the two facilities.

4. ***Recommendation:***

After much internal review, discussion with members of the Juvenile Probation Association and discussion with members of the Department's Legislative Oversight Committee, the Department recommends that the pilot project be expanded. There is a sense that it would be best to move the concept forward in a more gradual fashion.

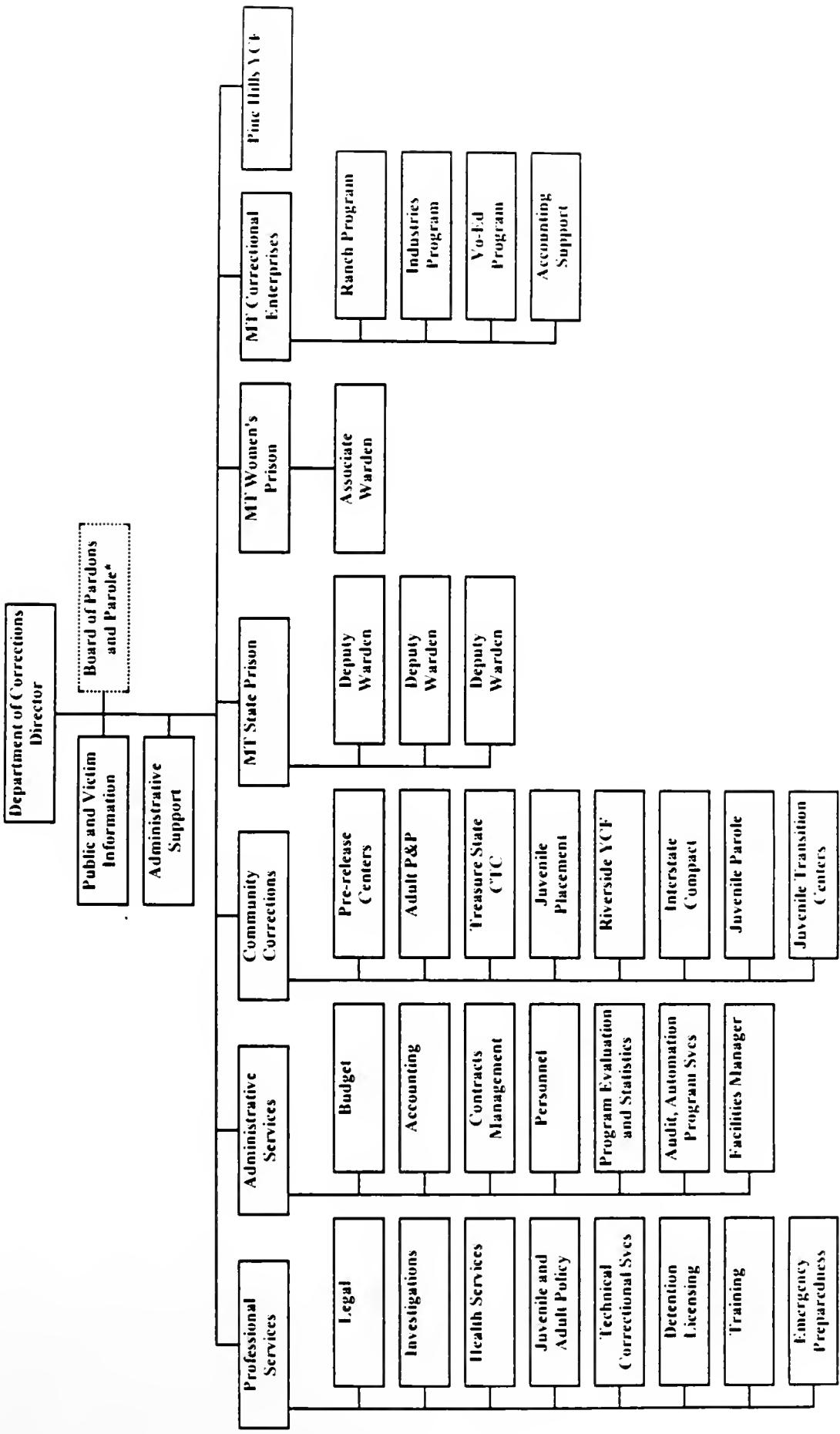
As previously indicated, the Department's recommendation is contained in HB65 (*See Tab L*). The recommendation not only calls for up to ten additional districts to participate, but requires that at least two of the districts have a high rate of adjudication to secure facilities. It is the Department's contention that the expansion will give the 57th Legislative session much additional data to make a final determination on the best means to fund juvenile placements. The Department gratefully acknowledges that during the pilot time period, the two pilot districts did, in fact, reduce the number of out of home placements, reduced their expenditures and succeeded in placing a number of youth in less restrictive placements, while developing community prevention and alternative programs. However, during this same time period, a number of other comparable judicial districts appear to have achieved the same goals without benefit of being part of the "*pilot project*." This creates a question that must be answered through further examination and study: Did the *pilot project* itself succeed or did other changes, both internal and external to the system, promote changes? Again, to help satisfy this question and others, we recommend that the *pilot project* be expanded.



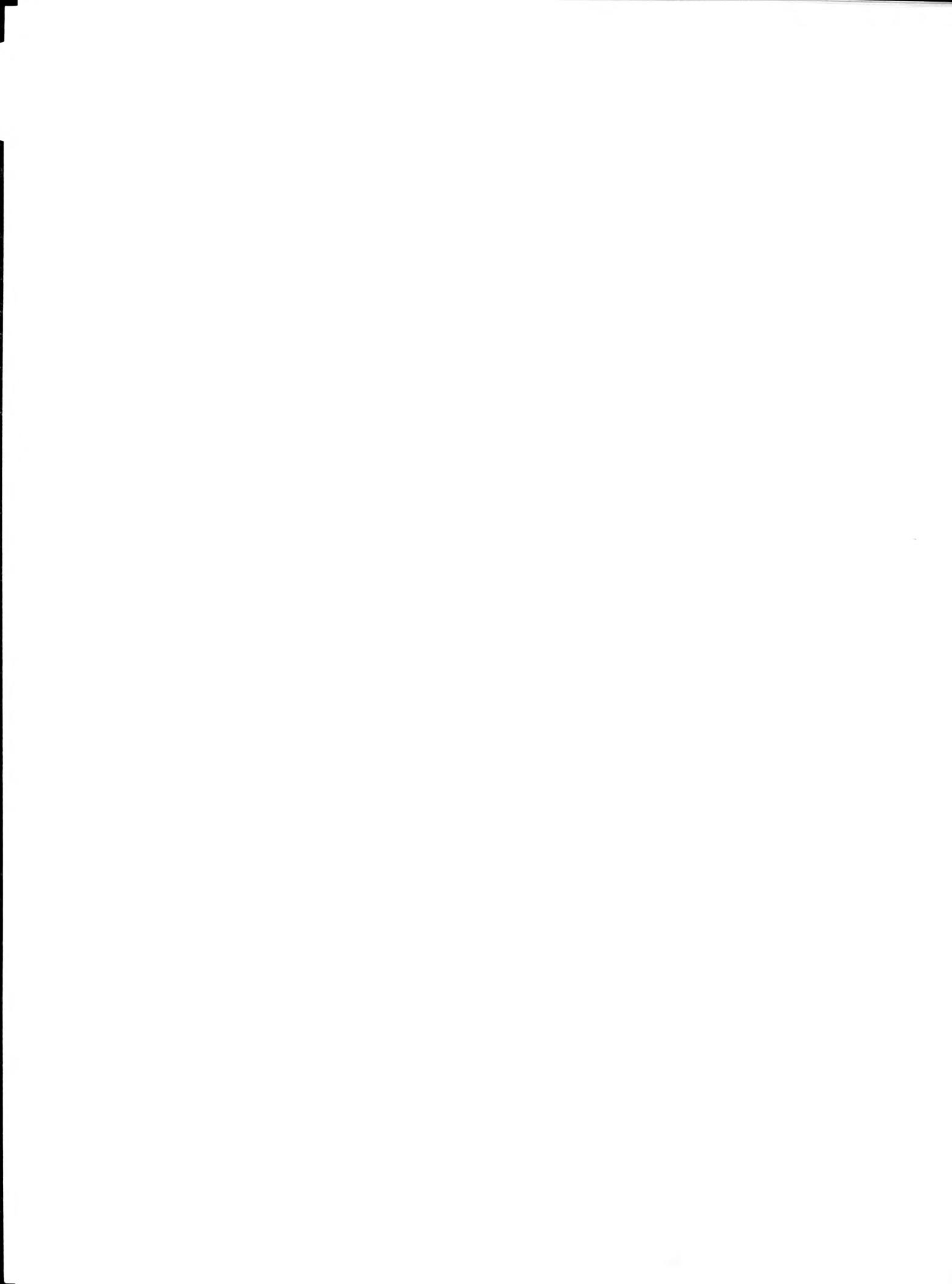
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The following list is a chronology of the efforts made by the Community Corrections Division, during the past 11 months, to implement cost saving measures relative to juvenile residential placement funds.

- January, 1996: Developed and implemented a fiscal tracking system. This system, for the first time, allowed the Department's fiscal personnel to produce monthly budget status reports reflecting not only payments made, but those placements that would encumber funds. This system enabled the Department to begin projecting costs based on current placements rather than past expenditures.
- January, 1996: Development of increased placement options with on-going support from the Juvenile Placement Unit to determine the most cost effective and appropriate facility based on the needs of the juvenile. The Juvenile Placement Unit has developed a model contract for services and has developed individual placement agreements with a number of new providers who now accept youth at daily rates that average 30% less than the usual Residential Treatment facility rates of corrections placements in 1995.
- January, 1996: Expanded training to field staff to focus on use of available resources and identification of alternate appropriate funding sources. Continued training will be on-going as resources allow.
- February, 1996: The Youth Placement Committee policy was adopted to develop a formal consistent process including documentation and process of approving and disapproving placement referrals. Local level review by Regional Administrators of all youth placement committee referrals increased effectiveness of current policies as they relate to suggested legislative changes and the revision of the ARM relative to Youth Placement Committees.
- February, 1996: On-going discussions with the Child Support Enforcement Division have determined that they lack the legal authority to assist the Department in the collection of parental contributions in the manner originally suggested. This determination has resulted in the development of legislation for the 97 session that will enable the Department to collect funds through parental contributions as the 95 legislature intended. Youth Courts now consistently place language regarding parental contributions in most court orders. Efforts in all Regions, in cooperation with DPHHS and CSED staff continue to be made to identify and capture parental contributions whenever possible.
- March, 1996: Established case audits to determine appropriate funding/eligibility, length of stay, appropriateness of placement, etc. Initial trial audits were performed in March and April. Results of those audits identified a significant lack of parental contributions, inconsistent court orders, and lack of use of available alternate funding sources. Within available staff resources, the Residential Placement Unit now conducts 10 random case audits monthly to identify problem cases.
- March, 1996: Recapture of placement funds from other responsible agencies, guardians, or other alternative sources. On-going efforts to "cost share" juvenile placements with DPHHS and MRM has resulted in agreements with agencies to provide a reimbursement for some youth placed during FY 1996 for the period ending in May of 1996. No agreement exists for FY 97 based on the Managed Care changes, and MRM budget shortfalls. Initial assessment of the effort show a recapture of approximately \$80,000 from one MRM Region.



- April, 1996: Community Corrections Division Placement Unit began using the fiscal tracking system to also record case management information. This system provides the Department with the capacity to develop an analysis of placements and to identify and compare Regions and Judicial Districts. This process has resulted in increased identification of youth inappropriately placed by workers.
- June, 1996: Breaking down placement costs by Region. These reports are distributed to Department Regional Administrators who share the information with juvenile probation and parole workers. First fiscal reports were submitted and reviewed by Regional Administrators in June of 1996.
- June, 1996: Review of all offenders in placement over 110 days. The Juvenile Residential Placement Unit began a review of all cases in placement over 110 days in June. These reviews, as opposed to audits, constitute an inquiry to the responsible Youth Placement Committee Chair regarding the scheduling of a placement review, current status of the youth, and a confirmation of case planning. This has resulted in both Parole and Probation Officers being held more accountable for long term placements and assures that placements lasting longer than six months will have the mandatory reviews.
- June, 1996: Established and implemented limits on access to and use of Supplemental Services funds, decreasing the requests for funding from one provider by 75%.
- July, 1996: Implementation of the CAPS case management system in concert with DPHHS. Conversion of cases in existence prior to July, 1996 is on-going as well as new cases being added. This system provides the ability of DOC administrators to monitor placement case management, and payment activities as they occur at a county level. In addition, it allows the DOC State Office to monitor placement activities and to approve or disapprove expenditures as they occur.
- July, 1996: FY97 juvenile residential placement funds were distributed among the five Parole and Probation Regions. Funding distribution was based on the at risk population of youth ages 12 through 18 in each Region as a percentage of the total at-risk population. Each Region received a proportionate percentage distribution of the available juvenile residential placement funds.
- July, 1996: Developed and established a contract with Rivendell of Butte for an expansion of the Independent Living alternative program, resulting in a decrease in the cost per day and the movement of youth from higher cost programs.
- September, 1996: Regional Administrators have developed a review and meeting format with Chief Probation Officers on a regular basis. This system has been in full operation for two months. Preliminary data suggests that these efforts are having a significant impact on the rate of new placements.
- November, 1996: Establishment of Regional authority for final determination of placement funding. Immediate review by Youth Placement Committee Chairs of placement appropriateness based on placement guideline score and threat to the community. Limitation of emergency placement to seven days, with a required review by the Regional Administrator for extensions.



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(3) Proceedings under 41-5-301 and 41-5-401 that are held prior to adjudication satisfy the requirements of 20 U.S.C. 1232g(b)(1)(E)(ii)(I) of the Family Educational Rights and Privacy Act of 1974. Montana school districts may release education records to assessment officers. The assessment officer is responsible for ensuring that officials and authorities to whom such information is disclosed certify in writing to the school district that is releasing the education records that the education records or information from the education records will not be disclosed to any other party without the prior written consent of the parent of the student.

Section 73. Intervention in delinquency pilot program -- department study of youth placement costs -- development of incremental scale -- report to legislature -- department responsibilities. (1) The department of corrections may conduct a pilot project, the results of which may be used as the basis for developing the incremental costs scale provided for in subsection (3). As a part of the pilot project, the department may identify each judicial district as a high-spending district, an average-spending district, or a low-spending district for youth placements. The department may analyze each category of district and identify the reasons for the spending characteristics in each category of district, such as types of youth, types of crimes committed, effectiveness of programs (including but not limited to the rates of recidivism), community sentiment, availability or lack of availability of placements, length of stay in placements, and case management. The department may target the high-spending districts and work with them in identifying and creating appropriate, lower-cost, and less restrictive placements.

(2) The department may create an account for a high-spending rural judicial district and a high-spending urban judicial district that is based on expenditures for fiscal year 1996 and fiscal year 1997 and may credit each with a proportion of appropriated placement funds. The proportionate share of the appropriations must be based on the types of youth, types of placements, youth population from 10 to 18 years of age, and a measure of the youth crime rate. The department may work with the regional supervisor, the chief juvenile probation officer, and the youth placement committees in the respective judicial districts to educate them regarding their allocation, to identify all potential placements and funding sources, and to consider the lowest-cost option that is in the best interests of the youth, the victim, and the safety of the community.

(3) The department may study the expenditures for placements for youth offenders for the fiscal years 1996, 1997, and 1998 and develop an incremental costs scale for the purposes of developing a



system to charge each judicial district account with the costs of a placement and to credit a judicial district account for using the least restrictive placements and developing community-based programs. The proportional share allocated to each judicial district must be based on the types of youth, types of placements, youth population from 10 to 18 years of age, and a measure of the youth crime rate.

(4) If the department conducts a pilot program under this section, the department shall present a proposal to the 56th legislature that includes the following elements:

(a) The information gathered from the pilot program, as provided in subsections (2) and (3), must be used in the development of the incremental costs scale.

(b) There must be a recommendation for a method to return any balance remaining at the end of a fiscal year to the judicial districts for the explicit purposes of developing additional community programs for youth court purposes.

(c) The assumptions in subsection (5) must be incorporated as a part of the proposed incremental costs scale.

(d) There must be a recommendation and justification for whether to include the state youth correctional facilities and correctional facilities and programs operated by the department in the incremental costs scale.

(5) For purposes of a pilot program, the department shall assume that the department is responsible for:

(a) the payment of residential and treatment costs for adjudicated youth placed in an out-of-home residence or committed to the department for purposes of funding a private residential placement under 41-5-523 or [section 34];

(b) all placement costs of a youth adjudicated in youth court for an offense listed in 41-5-206;

(c) education costs as provided in 20-5-323 and Title 20, chapter 7, part 4; and

(d) treatment costs that are over and above the costs of treatment for which the:

(i) youth is qualified under the public mental health system and medicaid; and

(ii) parent or guardian has third-party coverage.

(6) If the department conducts a pilot program under this section, the department shall prepare a summary of the results of the study and report to the 56th legislature.

Section 74. Repealer. Section 41-5-310, MCA, is repealed.



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June 19, 1997

RE: Intervention in Delinquency Pilot Project

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Dear ♦:

The 55th Legislature through Senate Bill 48 (Youth Court Act Revisions) authorized the Department of Corrections to establish an "Intervention In Delinquency Pilot Project." Through this letter the Department is attempting to identify judicial districts which may be interested in further exploring this concept with the Department. The results of this pilot project will be formally presented to the 56th Legislature to see if the program should be continued, expanded or eliminated.

The project is intended to be an experiment in an alternative method of funding juvenile placement services with the goals of increasing local flexibility to respond to juvenile delinquency and providing incentives to control costs. The Department would, for a district participating in the pilot project, set up an account/allocation based on expenditures for Fiscal Years 1996 and 1997. These allocations may be modified based on the types of youth, types of placements, youth population from ten (10) to eighteen (18) years of age, and a measure of the youth crime rate in the judicial district.

The idea is to explore the feasibility of developing a system which credits the pilot judicial district's account for using the least restrictive placements and for developing community-based programs, and charges the judicial district's account with the costs of a placement. The concept is to include a method of returning any balance remaining in the account at the end of a fiscal year to the judicial district for the explicit purpose of developing additional community programs for youth court purposes. However, the legislature did not authorize the Department to convey remaining balances in this biennium.



Pilot Project
June 19, 1997
Page two

The Department is committed to working with interested districts to develop procedures which would allow for successful implementation of this pilot project. If you are interested in participating in this pilot project, please notify

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in writing prior to July 1, 1997. Upon receipt of a letter of interest the Department will contact you to establish a meeting for the development of more detailed procedures.

Local control of juvenile placement was proposed by the Governor's executive budget and several options were discussed in the '97 Legislature. This pilot project was authorized to provide a method of formally exploring the feasibility of this concept.

I hope you will be interested in assisting the Legislature and the Department in developing and implementing an Intervention In Delinquency Pilot Project.

Sincerely,

RICK DAY
Director

RD/cj

cc: Senator John Harp, member Corrections Standards & Oversight Committee
Representative Ernest Bergsagel, member Corrections Standards & Oversight Committee
Laurie Ekanger, Director Public Health & Human Services Department
Regional Administrators
Mike Ferriter, Administrator Community Corrections Division



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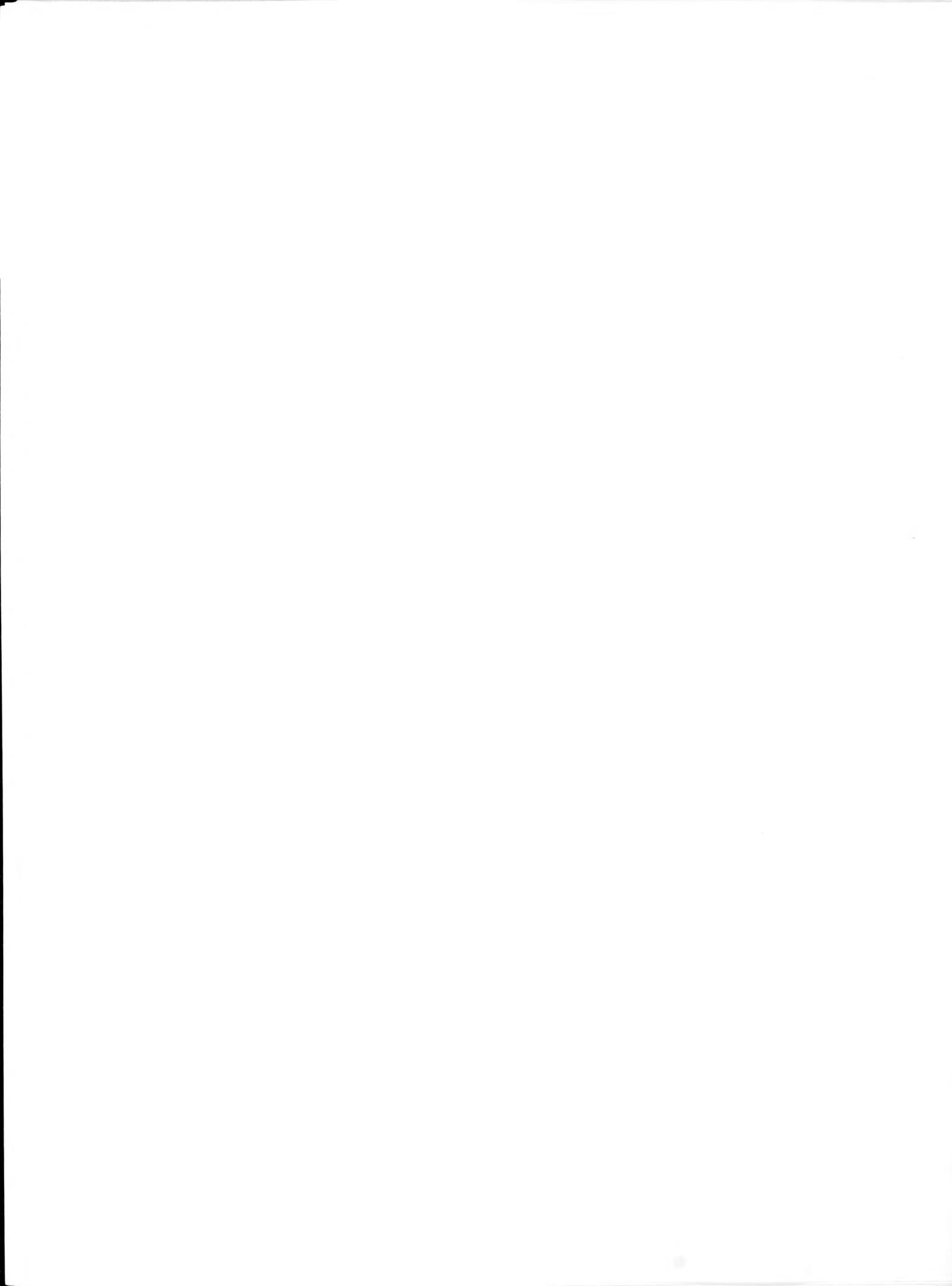
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Honorable James E. Purcell
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Silver Bow County Courthouse
Butte, MT 59701

Honorable John W. Whelan
2nd Judicial District
Silver Bow County Courthouse
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Honorable Ted L. Mizner
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Missoula, MT 59802

Honorable William Nels Swandal
Park County Courthouse
414 East Callender
Livingston, MT 59047

Honorable Frank M. Davis
Beaverhead County Courthouse
2 South Pacific, Cluster #6
Dillon, MT 59725-2713

Honorable Dale Cox
Dawson County Courthouse
PO Box 1249
Glendive, MT 59330

Honorable Richard G. Phillips
Richland County Courthouse
201 West Main Street
Sidney, MT 59270

Honorable Margaret Johnson
8th Judicial District
Cascade County Courthouse
Great Falls, MT 59401

Honorable Marc Buyske
Toole County Courthouse
PO Box 822
Shelby, MT 59474

Honorable John Christensen
Fergus County Courthouse
PO Box 1124
Lewistown, MT 59457

Honorable Katherine Curtis
Justice Center
920 South Main
Kalispell, MT 59901

Honorable Ted O. Lympus
Justice Center
920 South Main
Kalispell, MT 59901

Honorable John Warner
12th Judicial District
Hill County Courthouse
Havre, MT 59501

Honorable Diane G. Barz
Yellowstone County Courthouse
PO Box 35029
Billings, MT 59107

Honorable David Cybulski
Roosevelt County Courthouse
PO Box 978
Wolf Point, MT 59201

Honorable Joe L. Hegel
Rosebud County Courthouse
PO Box 1260
Forsyth, MT 59327

Honorable Kenneth R. Wilson
16th Judicial District
Custer County Courthouse
Miles City, MT 59301

Honorable John C. McKeon
17th Judicial District
Phillips County Courthouse
Malta, MT 59538

Honorable Mike Salvagni
Gallatin County Law & Justice
Center
615 South 16th Avenue
Bozeman, MT 59715

Honorable Thomas A. Olson
Gallatin County Law & Justice
Center
615 South 16th Avenue
Bozeman, MT 59715

Honorable Michael Prezeau
Lincoln County Courthouse
512 California
Libby, MT 59923



Honorable C B McNeil
Lake County Courthouse
106 Fourth Avenue East
Polson, MT 59860

Honorable Jeffrey H. Langton
Ravalli County Courthouse
PO Box 5012
Hamilton, MT 59840





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DEPARTMENT OF CORRECTIONS

MARC RACICOT, GOVERNOR

539 14TH AVENUE

STATE OF MONTANA

(406) 444-3930
FAX (406) 444-4920

PO BOX 201301
HELENA MONTANA 59620 1301

DATE: July 22, 1997

TO: Mike Ferriter, Division Administrator
Community Corrections Division

FROM: John Paradis, Unit Manager
Juvenile Residential Placement Unit

SUBJECT: Pilot Project Update

Mike:

As you know, from the meeting today, the initial response to Director Day's June 19th letter has been exceptional. The following is a list of responding counties and the correspondents from those counties broken down into rural and urban areas as defined by our committee:

Rural

County	Respondent	Function	phone number
Jefferson	Scott Mendenhall	Economic Dev. Agent	287-3282
Jefferson	Joe Connell (verbal)	Juv. Probation	225-4000
Wibaux	Richard G. Phillips	Dist. Judge	482-5939
Fergus	Michael F. Otto	Ch. Prob. Officer	538-9242
Hill	Robert J. Peake	Ch. Prob. Officer	265-5481 ex 43
Musselshell	Donna Marmon	CJPO	323-1714
Custer	Ernest L. Butts	CJPO	233-3418
Blaine	Wade H. Riden	CPO	357-2369
Lincoln	Marie R. Studebaker	CPO	293-7781 ex240
Lake	Barbara A. Monaco	CPO	883-7264

Urban

Lewis & Clark	Richard L. Meeker	CPO	447-8228
Silver Bow	James E. Purcell	Dist. Judge	723-8262 ex228



Missoula	Glen Welch	CPO	523-4735
Missoula	John W. Larson	Dist. Judge	523-4773
Cascade	Peggy S. Beltrone	Commissioner	454-6810
Cascade	Marge Johnson	Dist. Judge	454-6892
Yellowstone	Bill Kennedy	Commissioner	256-2838
	Mike Mathew		
	James Ziegler		
	Diane G. Barz	Dist. Judge	256-2916
	G. Todd Baugh	Dist. Judge	
Flathead	W. Patrick Warnecke	CPO	758-5541
Gallatin	David A. Gates	CPO	582-2180

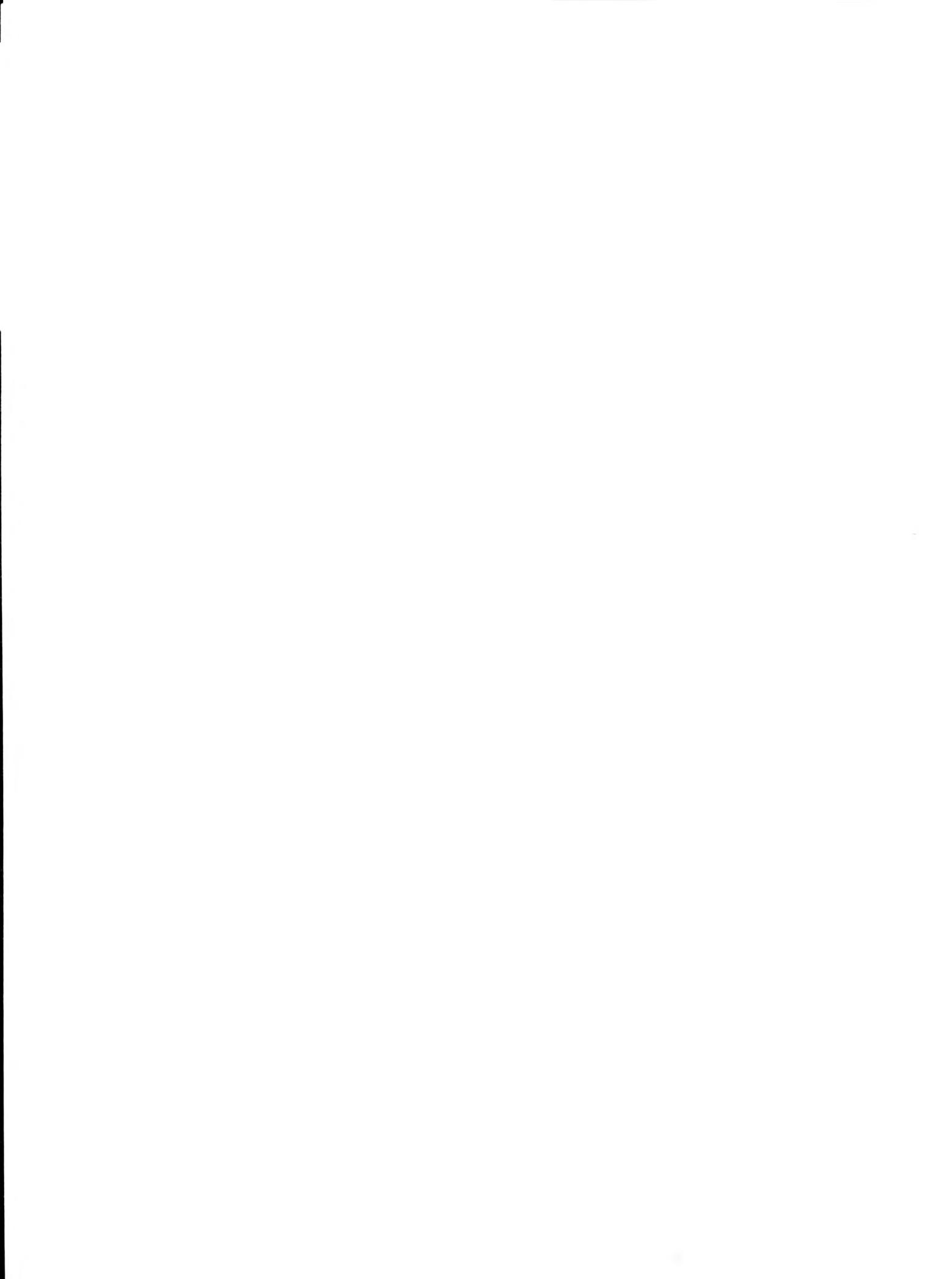
Responses ranged from a specific interest in participating in the actual pilot project, to participation in the development of the project. During the next few days I will be following up with Becky Buska in the development of an action plan to bring the project development into focus. That will include the setting of an agenda for a Met Net conference. In preparation for that conference, we will prepare a breakdown of all counties relative to their at-risk population, expenditures for services, and juvenile crime rates. Becky and I will meet tomorrow morning to begin our discussions of the variables that will need to be considered in developing the selection criteria. Additionally we will begin the task of determining the mechanics of how the Department will track the expenditures of the selected participants to develop outcome measurements relative to the legislative intent.

As this project unfolds, we will advise you by ZIP daily of our progress.

cc: Joe Williams

D:\DATA\WP6\PPU

Judicial District	City	Responded	Rural/Urban	FY96 Placement Expenditures	FY96 Ranking By Expend	FY97 Placement (Projected)	FY97 Ranking By Expend
1 Helena		YES	U	631,984 75	U4	663,394 48	U5
2 Butte		YES	U	405,408 01	U7	419,094 18	U7
3 Deer Lodge		NO	R	297,386 14	R3	252,818 15	R2
4 Missoula		YES	U	602,481 21	U5	650,114 94	U6
5 Dillon		YES	R	166,492 30	R9	185,271 91	R7
6 Livingston		NO	R	179,893 15	R7	184,543 04	R8
7 Glendive		YES	R	246,587 78	R6	150,605 50	R10
8 Great Falls		YES	U	914,145 50	U2	1,585,092 80	U1
9 Shelby		NO	R	116,780 51	R12	42,486 36	R13
10 Lewistown		YES	R	111,545 20	R13	68,083 36	R11
11 Kalispell		YES	U	646,850 06	U3	779,528 69	U3
12 Havre		YES	R	130,954 00	R11	53,146 50	R12
13 Billings		YES	U	1,104,331 43	U1	1,229,507 38	U2
14 Roundup		YES	R	175,530 62	R8	162,006 58	R9
15 Wolf Point		NO	R	18,403 98	R14	12,486 10	R14
16 Miles City		YES	R	133,945 56	R10	219,067 10	R5
17 Glasgow		YES	R	267,710 03	R5	205,517 57	R6
18 Bozeman		YES	U	472,033 61	U6	687,456 14	U4
19 Libby		YES	R	332,607 76	R2	252,216 25	R3
20 Polson		YES	R	633,858 07	R1	604,639 67	R1
21 Hamilton		NO	R	296,797 82	R4	251,588 92	R4



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Judicial District	City	FY96/97 Expenditures (Projected)	'MI Juv Population Projected	Average Expend per Juvenile	1996 'Felony Offenses	1996 'Misdemeanor Offenses
8	Great Falls	2,499,238	12,200	102.43	396	1835
13	Billings	2,333,839	24,550	47.53	402	659
11	Kalispell	1,426,379	11,140	64.02	197	936
1	Helena	1,295,379	8,770	73.85	243	964
4	Missoula	1,252,596	14,210	44.07	249	982
20	Polson	1,238,498	5,860	105.67	146	628
18	Bozeman	1,159,490	9,570	60.58	96	356
2	Butte	824,502	5,060	81.47	126	457
19	Libby	584,824	3,120	93.72	70	358
17	Glasgow	473,228	3,350	70.63	12	101
7	Glendive	397,193	4,120	48.20	44	249
16	Miles City	353,013	5,790	30.48	69	284
5	Dillon	351,764	3,990	44.08	48	130
14	Roundup	337,537	1,520	111.03	6	26
12	Havre	184,101	4,290	21.46	72	259
10	Lewistown	179,629	2,390	37.58	41	136

*MBCC Crime Control Data

A



B

Judicial District	City	FY96/97 Expenditures (Projected)	1995 Projected Population	Average Expend per Juvenile	1996 'Felony Offenses	1996 'Misdemeanor Offenses
13	Billings	2,333,839	24,550	47.53	402	659
4	Missoula	1,252,596	14,210	44.07	249	982
8	Great Falls	2,499,238	12,200	102.43	396	1835
11	Kalispell	1,426,379	11,140	64.02	197	936
18	Bozeman	1,159,490	9,570	60.58	96	356
1	Helena	1,295,379	8,770	73.85	243	964
20	Polson	1,238,498	5,860	105.67	146	628
16	Miles City	353,013	5,790	30.48	69	284
2	Bulte	824,502	5,060	81.47	126	457
12	Havre	184,101	4,290	21.46	72	259
7	Glendive	397,193	4,120	48.20	44	249
5	Dillon	351,764	3,990	44.08	48	130
17	Glasgow	473,228	3,350	70.63	12	101
19	Libby	584,824	3,120	93.72	70	358
10	Lewistown	179,629	2,390	37.58	41	136
14	Roundup	337,537	1,520	111.03	6	26

*MBCC Crime Control Data



POL OF
08/26/97 Ranked by 1996 Felony Offenses

D

Judicial District	City	FY96/97 Expenditures (Projected)	MI 1995 Projected	Juv Population	Average Expend per Juvenile	*Felony Offenses	1996 *Misdemeanor Offenses	1996
13	Billings	2,333,839	24,550	47.53	402	659		
8	Great Falls	2,499,238	12,200	102.43	396		1835	
4	Missoula	1,252,596	14,210	44.07	249		982	
1	Helena	1,295,379	8,770	73.85	243		964	
11	Kalispell	1,426,379	11,140	64.02	197		936	
20	Polson	1,238,498	5,860	105.67	146		628	
2	Bulie	824,502	5,060	81.47	126		457	
18	Bozeman	1,159,490	9,570	60.58	96		356	
12	Havre	184,101	4,290	21.46	72		259	
19	Libby	584,824	3,120	93.72	70		358	
16	Miles City	353,013	5,790	30.48	69		284	
5	Dillon	351,764	3,990	44.08	48		130	
7	Glendive	397,193	4,120	48.20	44		249	
10	LewisTown	179,629	2,390	37.58	41		136	
17	Glasgow	473,228	3,350	70.63	12		101	
14	Roundup	337,537	1,520	111.03	6		26	

*MBCC Crime Control Data



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**Department of Corrections
Community Corrections Division
Intervention in Delinquency
Pilot Project
Process & Selection Agenda
State Capital, Room 405**

August 27, 1997

INTRODUCTION Mike Ferriter

9:00 - 9:50 a.m. ■ Meeting Overview
■ Background
■ Goal
■ Decision making process

PROCESS Chris Christensen
Facilitator

10:00 - 12:00 p.m. ■ Introductions
■ Meeting Overview & Objectives
■ Process
■ Selection
■ Follow-up

NOON BREAK

12:00 - 12:30 p.m.

SELECTION Chris Christensen

12:30-4:00 p.m. ■ Selection Process
■ Selection
■ Panel Selection

MEETING WRAP-UP Mike Ferriter
Chris Christensen

4:00 - 4:30 p.m. ■ Review Objectives
■ Review Decisions
■ Confirm follow-up



PILOT PROJECT FACT SHEET

SB48 indicates:

- ▶ the Department of Corrections may conduct a pilot project;
- ▶ the results of the pilot may be used as the basis for developing an incremental cost scale.

As part of the pilot:

- ▶ the Department may identify each Judicial District as a high, average or low spending district;
- ▶ the Department may analyze each category of district and identify spending characteristics based on types of youth crimes, effectiveness of programs, community sentiment, availability of placements, length of placements, and case management;
- ▶ the Department may target high spending districts and work with them in identifying and creating lower costs and less restrictive placements;
- ▶ the Department may create an account for a high spending rural and urban district and credit each with a proportion of appropriated placement funds; and,
- ▶ the Department may study expenditures and develop an incremental costs scale to develop a system to charge each district with costs of placement and to credit each district for using least restrictive placements and developing community based programs.
- ▶ If a pilot is conducted the department shall present a proposal to the 56th Legislative Session. The report must address:
 - ▶ development of an incremental cost scale;
 - ▶ a method to return any balance to the Judicial Districts so the funds can be used to develop community programs; and,
 - ▶ justification and recommendation on whether to include state youth correctional facilities and programs in the incremental scale.



Why should a district volunteer to be a pilot site?

- ▶ A sign that the district is committed to trying something that could have a positive impact on children in your community and the state.
- ▶ A commitment that the district is willing to use the least restrictive alternative in dealing with youth.
- ▶ An indicator that the district is clear that state placement funds are a limited resource that need to be carefully managed.
- ▶ An opportunity to objectively present to judges, commissioners, legislators and the public a measurable quality of your work.

DOC REQUIREMENTS/EXPECTATIONS (STRINGS ATTACHED)

- ▶ That an urban and rural district is selected and that four (4) alternative districts are also selected (2 urban, 2 rural).
- ▶ Pilot districts commit to a one (1) year project: Oct., 1997 - Oct., 1998.
- ▶ The selected districts will be required to submit a letter of commitment signed jointly by the Chief Juvenile Probation Officer, Youth Court Judge and Chair of each County Commission of all counties in the District, no later than Sept. 5, 1997. Upon receiving the letter a Memo Of Understanding will be entered into between the Districts and the Department.
- ▶ Pilot district will be required to submit quarterly reports to the Department, as addressed in the Memo Of Understanding.
- ▶ Pilot participants will be required to submit a final report and participate in the presentation to the 56th Legislative Session, as outlined in the Memo Of Understanding.
- ▶ A commitment is needed from two (2) rural Chiefs and two (2) urban Chiefs NOT selected to sit on a panel along with representatives from the Department. The panel will be used in the event the Pilot District's allocated funds are not sufficient. The panel will determine if the allocation of additional funds are appropriate and necessary.
- ▶ Selected Districts may be required to utilize the RAFT system for case management.

Estimated Financial Resources Available

Judicial District	City	DOC Region	MI 1995 Population	Juv Projected Percentage	Population Allocation	Estimated FY98 Total	Estimated FY98 Less Parole
1	Helena	2	8,770	0.0631	435,672	339,824	
2	Butte	2	5,060	0.0364	251,369	196,067	
3	Deer Lodge	2	2,690	0.0194	133,633	104,234	
4	Missoula	1	14,210	0.1023	705,918	550,616	
5	Dillon	2	3,990	0.0287	198,214	154,607	
6	Livingston	2	2,680	0.0193	133,136	103,846	
7	Glendive	4	4,120	0.0296	204,672	159,644	
8	Great Falls	3	12,200	0.0878	606,067	472,732	
9	Shelby	3	5,440	0.0391	270,246	210,792	
10	Lewistown	3	2,390	0.0172	118,729	92,609	
11	Kalispell	5	11,140	0.0802	553,408	431,658	
12	Havre	3	4,290	0.0309	213,117	166,231	
13	Billings	4	24,550	0.1767	1,219,585	951,276	
14	Meagher/Wheatland	2	680	0.0049	33,781	26,349	
14	Golden Valley/Musselshell	4	840	0.0060	41,729	32,549	
15	Wolf Point	3	3,010	0.0217	149,530	116,633	
16	Miles City	4	5,790	0.0417	287,633	224,354	
17	Glasgow	3	3,350	0.0241	166,420	129,808	
18	Bozeman	2	9,570	0.0689	475,414	370,823	
19	Libby	5	3,120	0.0225	154,994	120,895	
20	Polson	5	5,860	0.0422	291,111	227,066	
21	Hamilton	1	5,220	0.0376	259,317	202,267	

Judicial District	City	FY96/97 Expenditures (Projected)	Mt Juv 1995 Projected	Average Expend per Juvenile Offenses	1996 *Felony Offenses	1996 *Misdemeanor Offenses
8	Great Falls	2,499,238	12,200	102.43	396	1835
13	Billings	2,333,839	24,550	47.53	402	659
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10	Lewistown	179,629	2,390	37.58	41	136

*MBCC Crime Control Data



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October 2, 1997

INTERAGENCY AGREEMENT

This Agreement is made and entered into by and between the Montana Department of Corrections, Community Corrections Division, (hereinafter referred to as the "DEPARTMENT") whose address and phone number are 1539 11th Avenue, Helena, Montana 59620-1301, and (406)444-3930, and First Judicial District, (hereinafter referred to as the Pilot District), Lewis & Clark County, Courthouse, Helena, Mt. 406-447-8228.

THE DEPARTMENT AND PILOT DISTRICT, AS PARTIES TO THIS AGREEMENT, AND IN CONSIDERATION OF THE MUTUAL PROMISES CONTAINED HEREIN, AGREE AS FOLLOWS:

The Department of Corrections, Community Corrections Division, hereby enters into a memorandum of understanding regarding the establishment of an intervention and delinquency program with the First Judicial District Youth Court. Said project shall be conducted in accordance with the conditions and stipulations established in Senate Bill 48 during the 1997 Legislative session, section 73.

1. DUTIES/RESPONSIBILITIES OF THE PILOT DISTRICTS:

To ensure that youth are provided appropriate services, in the least restrictive environment, the Pilot District agrees to cooperate fully with the Department of Corrections protocol and procedures such as:

- A. Youth Placement Committee referral format, procedure and protocol
- B. Utilization of the Risk Assessment for Treatment (RAFT)
- C. Utilization of the Decision Tree for Placement
(Attachment 1A, 1B, 1C.)
- D. Timely entry on all necessary services to the CAPS system.
- E. The submission of quarterly reports to the department liaison, as addressed in attachment 2 A.
- F. Participate in the 56th Legislative session, relative to the outcome measures of the pilot project, including program services, program effectiveness and development of an incremental cost scale.

- G. Participate and appear before the Peer Review Panel to request additional funds in the event allocated funds are projected to be insufficient.
- H. Participate in all Department provided training regarding Youth Placement Committee protocol, procedures, RAFT Assessment applications, and use of the Decision Tree process.
- I. Meet as required with the Department Liaison, and will keep said liaison fully informed of all Pilot Program activities.

2. DUTIES/RESPONSIBILITIES OF THE DEPARTMENT:

The DEPARTMENT agrees to provide the following :

- A. Allocation of funding based on the requirements set forth in S.B. 48 to each of the Pilot Districts, for the purpose of funding services and placements of "at risk" youth who are adjudicated within that pilot district.
- B. Appropriate placement of offenders in Pine Hills and Riverside Youth Correctional Facilities, Aspen Youth Alternatives and Brown Schools Montana Residential Sex Offender program at no charge to the placing district funding allocation. Children's Comprehensive Services Life Skills program will be charged against the placing district only when their contracted bed capacity of 7 youth is exceeded. All placements will be tracked as to their "cost per day", and figures for the total placement expenditures within each pilot district shall be included in the legislative report for the purposes of developing an incremental services recommendation.
- C. Monthly printouts of expenditures to each Pilot District, which will include projected expenditures.
- D. Authorization of funds for services rendered when the CAPS system is not appropriate to use.
- E. Training in all areas related to this MOU that pertain to the process or procedures of placement, service payments, program accountability and outcome measurements.
- F. Technical assistance by Department staff to the Judicial District Chief Probation Officer in the administration of this program. This shall include, but not be limited to, the assistance of Juvenile Parole Officers serving as Chairs of Youth Placement Committees, Financial Specialists assisting in providing direction and assistance in accessing alternative or third party funding assistance, and Regional Administrators or their designee acting as liaison.

- G. Support for the decisions of the Chief Probation Officer in matters concerning the expenditure of the allocated funds. However, all expenditures must comply with the appropriate Administrative Rules of Montana and relevant Statutes of Montana. (See attachments 2B and 2C)
- H. A recommendation to the 56th legislature authority to pass any fiscal savings generated through this agreement back to the responsible Pilot District for their discretionary use.

3. ALLOCATION OF FUNDS:

In consideration for the services to be provided, the DEPARTMENT shall authorize each PILOT JUDICIAL DISTRICT spending authority as follows:

- a. The 1st Judicial District's initial allocation of placement funds is \$429,362.00. This amount is based on data that indicates that 6.31% of at risk youth in Montana reside in the 1st Judicial District, and takes into consideration the availability of local resources, reported juvenile crime rates, prior placement histories and budget allocations for programs specified in paragraph 2 (B) (Department contracted services). Because the Department continues to manage the placement and funding of youth placed on parole status, your allocation has been reduced by 22% to account for these placements. **The total allocation for the 1st Judicial District Pilot program shall be \$334,902.00.**
- b. In the event the Pilot Project Judicial District is unable to contain expenditures within the original allocation, the DEPARTMENT shall allocate an additional amount of funds from all Regional budgets in a total amount not to exceed \$100,000.00 for the services described herein. Such supplemental funding will be made available only upon the review and approval of an appointed committee of Youth Court Probation Officers and Department staff.
- c. The DEPARTMENT agrees to pay all appropriate PILOT DISTRICT expenditures within 60 days of receiving a correct invoice or upon entry into the CAPS payment system. Payments shall be documented and monthly reports on expenditures shall be provided to each Pilot District.

4. TIME OF PERFORMANCE:

This Agreement shall take effect on Oct. 15, 1997 and shall terminate on Oct. 15, 1998 unless terminated earlier in accordance with the terms of this Agreement.

5. LIAISON:

a. Liaison for the DEPARTMENT shall be The Regional Administrator or his designee within each Region. Liaison for THE PILOT DISTRICT shall be The Chief Probation Officer of the Judicial District.

b. Written notices or complaints will first be directed to the liaison.

6. OWNERSHIP OF MATERIALS:

All materials, developed or utilized by PILOT DISTRICT in its performance under this Agreement shall be the joint property of the PILOT DISTRICT and the DEPARTMENT

7. ACCESS AND RETENTION OF RECORDS:

a. The PILOT DISTRICT agrees to provide the DEPARTMENT, the Legislative Auditor or their authorized agents and authorized representatives of the Governors Office access to any records concerning this Agreement.

b. The PILOT DISTRICT and the DEPARTMENT agree to create and retain all records supporting the services rendered for a period of three years after either the completion of this Agreement or the conclusion of any claim, litigation or exception relating to this Agreement taken by the State of Montana or a third party.

8. TERMINATION AND DEFAULT:

a. The DEPARTMENT may, by written notice to the PILOT DISTRICT, terminate this Agreement in whole or in part at any time the PILOT DISTRICT fails to perform as required in this Agreement.

b. This Agreement may be terminated without cause by either party by providing written notice to the other as described in this paragraph. If the termination is without cause, the party desiring to terminate the Agreement shall provide written notice to the other, which notice will establish a termination date not less than 30 days from the date of such notice.

c. The DEPARTMENT, at its sole discretion, may terminate this Agreement if available funding is reduced.

9. FREEDOM FROM DISCRIMINATION STATEMENT:

All parties of this Agreement agree that all hiring must be done on the basis of merit and qualifications and there may be no discrimination on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental handicap or national origin by the person or persons performing the contract.

10. LIMITS OF AGREEMENT:

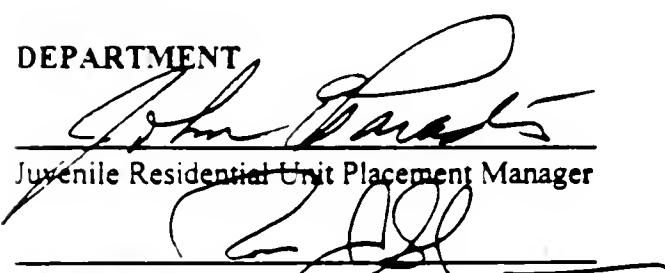
This Agreement and attachments A, B, and C contain the entire agreement between the parties and no statement, promises or inducements made by either party or agents thereof which are not contained in the written Agreement shall be binding or valid. This Agreement shall not be enlarged, modified or altered except upon written agreement signed by all parties to the Agreement.

11. **COMPLETED CONTRACT:**

The DEPARTMENT cannot disburse any payments under this Agreement or approve CAPS expenditures pursuant to this project until a fully executed original is returned to Administrative Services Division, Department of Corrections, 1539 11th Avenue, Helena, Montana 59620-1301.

SIGNATURES:

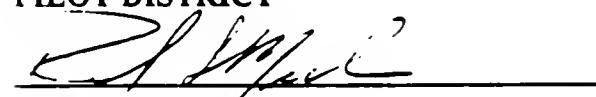
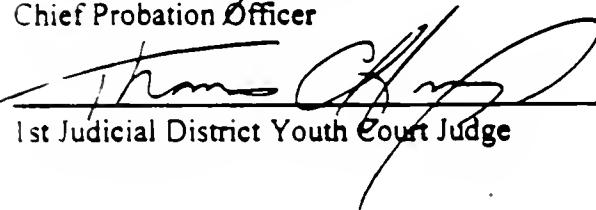
DEPARTMENT


John Brack
Juvenile Residential Unit Placement Manager

John Brack
Department Liaison

12/1/97
Date
12/18/97
Date

PILOT DISTRICT


Jim Mac
Chief Probation Officer

Thomas C. Koch
1st Judicial District Youth Court Judge

12-4-97
Date
12-4-97
Date

Reviewed for Legal Content by:


Diana Leibinger-Koch
Department of Corrections

12/19/97
Date

October 2, 1997

INTERAGENCY AGREEMENT

This Agreement is made and entered into by and between the Montana Department of Corrections, Community Corrections Division, (hereinafter referred to as the "DEPARTMENT") whose address and phone number are 1539 11th Avenue, Helena, Montana 59620-1301, and (406)444-3930, and the Sixteenth Judicial District Youth Court Services, (hereinafter referred to as the Pilot District), Custer County, Courthouse, Miles City, Mt. (406)233-3418.

**THE DEPARTMENT AND PILOT DISTRICT, AS PARTIES TO THIS AGREEMENT,
AND IN CONSIDERATION OF THE MUTUAL PROMISES CONTAINED HEREIN,
AGREE AS FOLLOWS:**

The Department of Corrections, Community Corrections Division, hereby enters into a memorandum of understanding regarding the establishment of an intervention and delinquency program with the Sixteenth Judicial District Youth Court. Said project shall be conducted in accordance with the conditions and stipulations established in Senate Bill 48 during the 1997 Legislative session, section 73.

I. DUTIES/RESPONSIBILITIES OF THE PILOT DISTRICTS:

To ensure that youth are provided appropriate services, in the least restrictive environment, the Pilot District agrees to cooperate fully with the Department of Corrections protocol and procedures such as:

- A. Youth Placement Committee referral format, procedure and protocol
- B. Utilization of the Risk Assessment for Treatment (RAFT)
- C. Utilization of the Decision Tree for Placement
(Attachment 1A, 1B, 1C.)
- D. Timely entry on all necessary services to the CAPS system.
- E. The submission of quarterly reports to the department liaison, as addressed in attachment 2 A.
- F. Participate in the 56th Legislative session, relative to the outcome measures of the pilot project, including program services, program effectiveness and development of an incremental cost scale.



- G. Participate and appear before the Peer Review Panel to request additional funds in the event allocated funds are projected to be insufficient.
- H. Participate in all Department provided training regarding Youth Placement Committee protocol, procedures, RAFT Assessment applications, and use of the Decision Tree process.
- I. Meet as required with the Department Liaison, and will keep said liaison fully informed of all Pilot Program activities.

2. **DUTIES/RESPONSIBILITIES OF THE DEPARTMENT:**

The DEPARTMENT agrees to provide the following :

- A. Allocation of funding based on the requirements set forth in S.B. 48 to each of the Pilot Districts, for the purpose of funding services and placements of "at risk" youth who are adjudicated within that pilot district.
- B. Appropriate placement of offenders in Pine Hills and Riverside Youth Correctional Facilities, Aspen Youth Alternatives and Brown Schools Montana Residential Sex Offender program at no charge to the placing district funding allocation. Children's Comprehensive Services Life Skills program will be charged against the placing district only when their contracted bed capacity of 7 youth is exceeded. All placements will be tracked as to their "cost per day", and figures for the total placement expenditures within each pilot district shall be included in the legislative report for the purposes of developing an incremental services recommendation.
- C. Monthly printouts of expenditures to each Pilot District, which will include projected expenditures.
- D. Authorization of funds for services rendered when the CAPS system is not appropriate to use.
- E. Training in all areas related to this MOU that pertain to the process or procedures of placement, service payments, program accountability and outcome measurements.
- F. Technical assistance by Department staff to the Judicial District Chief Probation Officer in the administration of this program. This shall include, but not be limited to, the assistance of Juvenile Parole Officers serving as Chairs of Youth Placement Committees, Financial Specialists assisting in providing direction and assistance in accessing alternative or third party funding assistance, and Regional Administrators or their designee acting as liaison.

- G. Support for the decisions of the Chief Probation Officer in matters concerning the expenditure of the allocated funds. However, all expenditures must comply with the appropriate Administrative Rules of Montana and relevant Statutes of Montana. (See attachments 2B and 2C)
- H. A recommendation to the 56th legislature for authority to pass any fiscal savings generated through this agreement back to the responsible Pilot District for their discretionary use.

3. **ALLOCATION OF FUNDS:**

In consideration for the services to be provided, the DEPARTMENT shall authorize each PILOT JUDICIAL DISTRICT spending authority as follows:

- a. The 16th Judicial District's initial allocation of placement funds is \$283,467.00. This amount is based on data that indicates that 4.17% of at risk youth in Montana reside in the 16th Judicial District, and takes into consideration the availability of local resources, reported juvenile crime rates, prior placement histories and budget allocations for programs specified in paragraph 2 (B) (Department contracted services). Because the Department continues to manage the placement and funding of youth placed on parole status, the initial allocation has been reduced by 22% to account for these placements. **The total allocation for the 16th Judicial District Pilot program shall be \$221,104.00.**
- b. In the event the Pilot Project Judicial District is unable to contain expenditures within the original allocation, the DEPARTMENT shall allocate an additional amount of funds from all Regional budgets in a total amount not to exceed \$100,000.00 for the services described herein. Such supplemental funding will be made available only upon the review and approval of an appointed committee of Youth Court Probation Officers and Department staff.
- c. The DEPARTMENT agrees to pay all appropriate PILOT DISTRICT expenditures within 60 days of receiving a correct invoice or upon entry into the CAPS payment system. Payments shall be documented and monthly reports on expenditures shall be provided to each Pilot District.

4. **TIME OF PERFORMANCE:**

This Agreement shall take effect on Oct. 15, 1997 and shall terminate on Oct. 15, 1998 unless terminated earlier in accordance with the terms of this Agreement.

5. **LIAISON:**

- a. Liaison for the DEPARTMENT shall be The Regional Administrator or his designee within each Region. Liaison for THE PILOT DISTRICT shall be The Chief Probation Officer of the Judicial District.

- b. Written notices or complaints will first be directed to the liaison.

6. OWNERSHIP OF MATERIALS:

All materials, developed or utilized by PILOT DISTRICT in its performance under this Agreement shall be the joint property of the PILOT DISTRICT and the DEPARTMENT

7. ACCESS AND RETENTION OF RECORDS:

- a. The PILOT DISTRICT agrees to provide the DEPARTMENT, the Legislative Auditor or their authorized agents and authorized representatives of the Governors Office access to any records concerning this Agreement.
- b. The PILOT DISTRICT and the DEPARTMENT agree to create and retain all records supporting the services rendered for a period of three years after either the completion of this Agreement or the conclusion of any claim, litigation or exception relating to this Agreement taken by the State of Montana or a third party.

8. TERMINATION AND DEFAULT:

- a. The DEPARTMENT may, by written notice to the PILOT DISTRICT, terminate this Agreement in whole or in part at any time the PILOT DISTRICT fails to perform as required in this Agreement.
- b. This Agreement may be terminated without cause by either party by providing written notice to the other as described in this paragraph. If the termination is without cause, the party desiring to terminate the Agreement shall provide written notice to the other, which notice will establish a termination date not less than 30 days from the date of such notice.
- c. The DEPARTMENT, at its sole discretion, may terminate this Agreement if available funding is reduced.

9. FREEDOM FROM DISCRIMINATION STATEMENT:

All parties of this Agreement agree that all hiring must be done on the basis of merit and qualifications and there may be no discrimination on the basis of race, color, religion, creed, political ideas, sex, age, marital status, physical or mental handicap or national origin by the person or persons performing the contract.

10. LIMITS OF AGREEMENT:

This Agreement and attachments A, B, and C contain the entire agreement between the parties and no statement, promises or inducements made by either party or agents thereof which are not contained in the written Agreement shall be binding or valid. This Agreement

shall not be enlarged, modified or altered except upon written agreement signed by all parties to the Agreement.

11. **COMPLETED CONTRACT:**

The DEPARTMENT cannot disburse any payments under this Agreement or approve CAPS expenditures pursuant to this project until a fully executed original is returned to Administrative Services Division, Department of Corrections, 1539 11th Avenue, Helena, Montana 59620-1301.

SIGNATURES:

DEPARTMENT

John Faraci
Juvenile Residential Unit Placement Manager

Phil Sanderson
Department Liaison
Phil Sanderson

12/2/97

Date

12/16/97

Date

PILOT DISTRICT

Ewart Butte

Chief Probation Officer

Dreyfus Day
16th Judicial District Youth Court Judge

Nov. 24, 1997

Date

11/25/97

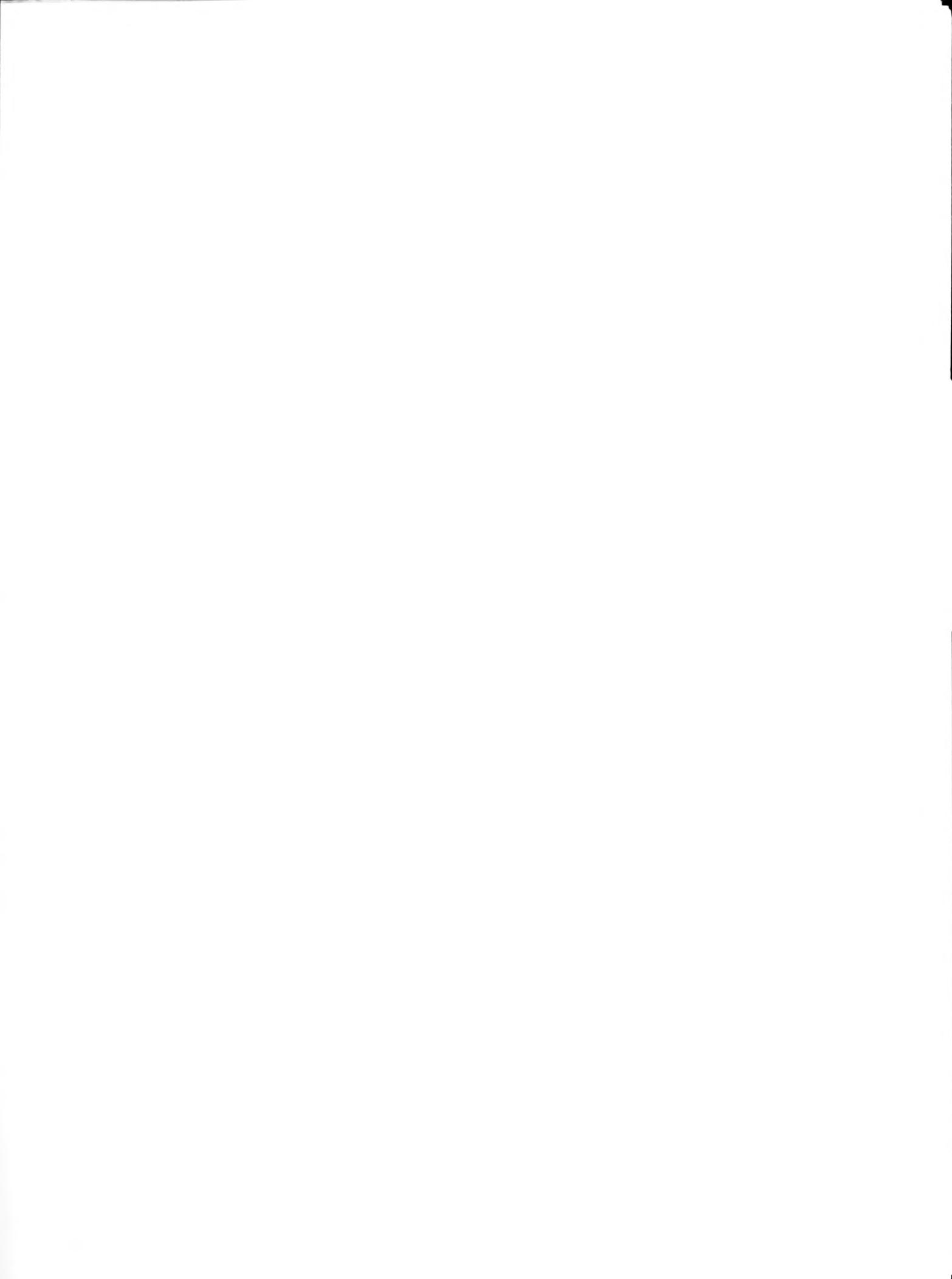
Date

Reviewed for Legal Content by:

Diana Fabinger Koch
Department of Corrections

12/19/97

Date



MICRERFAX
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DEPARTMENT OF COURT SERVICES

FIRST JUDICIAL DISTRICT

LEWIS & CLARK & BROADWATER COUNTIES

YOUTH COURT SERVICES
RESTITUTION/ADULT & JUVENILE
COMMUNITY SERVICE PROJECT
COURTHOUSE 228 BROADWAY
HELENA MONTANA 59601

THOMAS C HONZEL
DISTRICT JUDGE
YOUTH COURT JUDGE

JEFFREY M SHERLOCK
DISTRICT JUDGE

DOROTHY MCCARTER
DISTRICT JUDGE

FROM: RICHARD L. MEEKER, DIRECTOR OF COURT SERVICES
FIRST JUDICIAL DISTRICT

SUBJECT: SUMMARY - INTERVENTION IN DELINQUENCY - PILOT PROJECT

TO: JOHN PARADISE

PROJECT DURATION: OCTOBER 15, 1997 - OCTOBER 15, 1998

REPORTING DATES: OCTOBER 15, 1997 - JULY 30, 1998

INITIAL ACTION:

Establish Community Action Group Members: School, Private Providers, DPHHS, MCP, Department of Court Services, Law Enforcement, County Public Health Department.

Purpose: To identify gaps in community based services and thereafter recommend the implementation of services to bridge identifiable gaps. Timeline October 1st, 1997, to December 1st, 1998.

INITIAL ACTION: Staff of the Department of Court Services to identify adjudicated youth placed in out of state placements by the Youth Court, for the purpose to determine who could be returned to the community. October 1st, 1997 to December 31st, 1997.

RECOMMENDATION OF COMMUNITY ACTION GROUP:

1. To work with local private providers (Montana Youth Homes) to develop a greater array of programs and services in order to address the needs of at risk youth.
2. The Department of Court Services to hire:
 - a. An Intensive Supervision Officer to work with a select group of high risk youth who have been identified as requiring out of home placements.

3. Intake Assessment Officers to interview with youth who have been taken into custody by law enforcement as the result of violating State Statutes. Timeline February 15, 1998.
3. To contract with the private providers to provide services to high risk youth and families.

IMPLEMENTATION:

The Department of Court services in conjunction with the Montana Youth Home planned and implemented a program that would address the needs of highrisk youth. This program has two distinct but inter-related elements:

1. EXPANSION OF MARGARET STEWART PROGRAMING:

The group home (Margaret Stewart Sheltercare Facility) implemented a behavior management project that consists of (4) phases. This program was designed to identify residents of the group home who were exhibiting behaviors that were disruptive to both the youth and other residents at the facility.

Phase (1)

Once a youth's behavior has been determined to be disruptive, the youth would be isolated in his bedroom area, physically separating him from other residents. Supervision for this phase would be provided by existing group home staff.

Phase (2)

If the youth who was placed in phase one of the program continues to escalate, an on-call aide would be employed to provide one on one supervision. The on call aide would work in 4 hour blocks of time. It was determined that most youth who act out generally de-escalate within several hours and can return to the general population. Cost to the Department of Court Services for the on-call aide would is \$40.00 per hour.

Phase (3)

If the youth continue to act out on level (2), he or she would be isolated in a separate room within the group home facility, with one on one supervision. The youth's progress would be assessed every four hours by staff to determine if he or she could be returned to the general population.

Phase 4:

If the youth's behavior escalates to a level that he or she could not be maintained within the group home facility, they would be removed. The youth would be placed in the lower level of the facility, separated from other residents. The area where the youth is placed is the Intake and Assessment Office. The youth is placed in the area for 4 hour blocks. Depending on the youth's level of behavior, up to two staff may be present. The Intake and Assessment area is equipped with a video recorder, in order that all activity during this period in which the youth is placed on Phase 4) may be documented.

If while in Phase(4), the youth's behavior improves to a level where staff determines that he or she may return to the general population of the group home, they will be placed back in the facility and worked back through the Phases 3,2,1.

2. INTAKE/ASSESSMENT OFFICER (1.5 F.T.E.): The Intake Assessment Officers are employees of the Youth Court and enjoy the power and duties of the Youth Court.

The Community Action Committee recommends that the Intake and Assessment Officer would be located at the Margaret Stewart Sheltercare facility. These officers would be located on the lower level of the facility, separated from the sheltercare facility. This area was chosen for several reasons.

- a. There is a direct access from the street to the Intake/Assessment area. This access permits law enforcement officers a direct route to the I/A area without disrupting sheltercare residents.
- b. The I/A area is a large room (approx. 20'x30') that is self contained.
- c. The room is available to employ a wide angle video camera that can video tape all activity.
- d. There is easy access from the lower level to the upper level.
- e. In the event that the I/A officers require

assistance, the staff from the sheltercare facility can respond within thirty (30) seconds.

The Community Action Committee further determined that the hours of operation for the I/A unit should be from 8:00pm to 4:00am. These hours were chosen for several reasons.

- a. The greatest activity for juvenile probation officers after 5:00pm is between 8:00pm and 4:00am.
- b. When a youth is taken into custody between 8:00pm and 4:00am, either the law enforcement officers deal directly with the youth and parents or an on call probation officer is called out.
- c. The I/A officer present in the lower level of the sheltercare facility is a deterrent for residents to act out.
- d. If in the event that sheltercare staff requires backup due to an acting out resident, the I/A officer can respond within thirty seconds.
- e. If a youth's behavior in sheltercare deteriorates to phase 4 guideline, the I/A officer can assist sheltercare staff in containing the youth.

The benefits of the I/A officer to the community and the system are many:

- a. Law Enforcement officers have a centralized location to where they can release a youth and quickly return to the streets.
- b. The youth is immediately seen by the Youth Court Staff and a determination is made at that point for an initial disposition of the matter.
- c. The I/A officer provides backup to local sheltercare staff.
- d. If a youth requires secure detention or other placement, he or she are held in a safe

environment, providing probation officers the necessary time to arrange for an appropriate placement.

3. **INTENSIVE SUPERVISION OFFICER:** The Intensive Supervision Officer would be an employee of the Youth Court. This person would be assigned a caseload of between five and ten offenders. The majority of the offenders would be adjudicated Youth In Need of Intervention. This grouping was identified due to the fact, they are the most difficult group of youth to manage, and they are at the greatest risk of being placed in costly out of home placements. The youth placed under the supervision of the Intensive Supervision Officer met several broad criteria.

- a. Age 13 to 15
- b. Dysfunctional family
- c. Involvement with drugs and alcohol
- d. Had significant school attendance and behavioral problems

The goal of the Intensive Supervision Officer was to provide high impact services to this group of youth to ensure that they would not require long-term, costly out of home placement.

4. **PARENTING & YOUTH CLASSES:** The Community Action Committee recommended that the Department of Court Services contract with the private provider for the purpose to provide specific services to youth and families.

To this end, the Department of Court Services contracted with the following Helena Partnership. This group has in the past conducted parenting classes for families. In conjunction with the partnership, Montana Community Partners and this department, an eight week parenting course was developed and implemented.

The parenting classes were conducted during the Spring of 1998. A total of eight families including youths participated. Six of these families were referred by the Youth Court, while two families were referred by M.C.P. (AWARE). All but one of these families were receiving supervision from both the Youth Court and M.C.P. (AWARE).

5. ENHANCE SEXUAL OFFENDER TREATMENT: To better address the needs of sex offenders in the community, the department is working in conjunction with a resident MSCOA sex offender counselor. At present three (3) youths are in out-patient sex offender counseling, while one other is undergoing an evaluation.
6. REDUCE OUT-OF-STATE PLACEMENTS: The staff of the Department of Court Services on October 1, 1998, also began a review of the 3 youths that were placed out of state. All 3 of these youths were placed at the Desert Hills Residential Treatment Facility in Arizona. The daily cost of each youth was \$167.00. The goal of the review was to develop an appropriate plan to return each of these youths back to the community by December 31, 1997.

After the case review, a plan was developed to return all 3 youths by December 31, 1998. The first youth was returned to the community by November of 1997, while the other two followed in late December of 1997.

OBSERVATIONS:

As the Department and it's staff began to realize the responsibilities, obligations and potential of the pilot project, it was evident that the Youth Placement Committee (YPC) must play a central role in it's success. The YPC comprised of local community members as mandated by Statute, need to become more responsible in reviewing and recommending placement and placement alternatives.

The first course of business was to work with the placement committee in an effort to transfer a greater burden of authority in youth placement. The members of the YPC accepted this authority, and has become an important resource to the department. They accepted the fact that as professionals and members of the community, they had a responsibility to act in the best interest of troubled youths, while given a finite budget.

This partnership between the Department and YPC has helped to advance the goals of the Pilot Project and demonstrate, though we cannot solve all the problems facing the community, that we can do a better job as a team.

At the inception of the Pilot Project on October 15, 1997, there were anticipated changes that were planned. Also anticipated were secondary changes, more structural in nature, that we were less sure would occur. These secondary changes

have occurred, and ultimately may have a more profound impact than direct services. These secondary changes are perhaps more subtle, and therefore, are not easy to measure, but they exist.

1. An increase willingness between community agencies, including school, not only to share ideas, but to pool resources.
2. Parents when services are provided within the community are held more accountable for change.
3. A more diverse representation of community members are drawn into the process.
4. Private providers have become more creative and enthusiastic in developing new services.

These positive changes have resulted in only one youth being placed in an out-of-state treatment facility. At the same time the First Judicial District did not place a juvenile offender in a State Juvenile Correctional Facility.

Neither was there a significant increase in offenders being placed at the Aspen or Life skills Program. One youth was placed for sex offender treatment in June 98, at the Threshold Sex Offender Program in Deer Lodge.

The success that the First Judicial District has experienced while implementing the pilot project has deep and strong roots. Agencies within the community have had a long and successful relationship of working together. For the most part the entire district is economically, financially stable. Unlike other larger urban areas in the State of Montana, the district's graph has been steady, with no significant burst of population increase. The district has a tradition of having a high tolerance of addressing the needs of troubled youth within the community. County Commissioners of both Lewis and Clark and Broadwater counties have been extremely cooperative in providing funding within it's budgeting authority to project addressing the needs of youth. The Helena City Commission led by a major committee to improving services to youth, have also moved to act on behalf of youth. In general, the community has had a long and dedicated commitment of volunteering.

In lieu of the positive impact that the pilot project has had on the First Judicial District, there are significant problem areas that must be addressed.

First, due to the state of confusion that exist within the current mental health system, many mentally ill and

emotionally disturbed youth are not receiving adequate intervention. As a result, there is a tendency for these youth to drift into the Juvenile Justice System. The First Judicial District has received a significant increase in referrals of young offenders during the past year. In particular, referrals of children between the ages of 7-12 have been on the rise. Most of these children are suffering from severe emotional problems. It is predictable that when an under socialized emotionally disturbed child does not receive adequate intervention, he or she will sooner or later break the law. This district has received referrals from mental health professionals concerning this age group, with the request that we place the youth in treatment. Most of these youth due to their age and diagnosis should be handled within the mental health community, not the juvenile justice system. Due to the lack of adequate facilities within the mental health system, they are continually referred to the Juvenile Justice System.

Second, the Districts who participate in the Pilot Project, have the ability to create unique and effective community resources to serve troubled youth. If the Pilot Project is expanded to all 21 Judicial Districts within the next several years, Districts based upon community norms will choose to implement local programs that are compatible to local perceived needs. Funds will be allocated District by District based upon perceived community needs. One District may invest in local community based services, while a neighboring District may allocate most of it's funding in placing youth in facilities. What will occur on some level, clients and parents will be tempted to shop between districts to try and get the services they feel they deserve.

This "shopping" has occurred in the First Judicial District. A youth who attends a local high-school but lives in another District has repeatedly committed status and misdemeanor offenses in Helena. The parents of this youth demand that because their son attends school in Helena, that he should receive services here. They have been referred to their home district and referrals made to that probation department. The parents have continually refused to deal with the probation office in their home district stating that the First Judicial District had more services to offer.

Third, the First Judicial District was allocated through the Pilot Project, \$334,000.00, for the projected year, October 15th, 1997, through October 15th, 1998. For the Fiscal Year ending June 30th, 1998, we were allocated \$237,000.00, of which we spent \$187,000.00, leaving a surplus of \$50,000.00 less than allocated. As impressive as I believe this appears,

I am aware this is only pocket change, and the reserve could be spent in a short breath. There is always two or three seriously troubled youth waiting in the wings, that if they re-offended, it could cause a significant over expenditure of funds.

Fourth, the Legislature when creating the Pilot Project, entrusted the Judicial District, with a significant authority which heretofore they did not possess. Simply, we have the authority to previously determine where and when funds will be spent. Not only does this authority provide for the creation of needs and needed services for troubled youth, it also places a great burden on the Chief Probation Officer/Court Administrator. The authority to allocate funding is much more personal when you approve or deny funding for services and the buck stops here.

To relieve some of this burden, I have relied on the Placement Committee for direction. The members of the Placement Committee, represent the community and therefore must be a strong and resounding voice to be considered in any placement decision.

SUMMARY:

In closing, based upon my experience with the pilot project during the past 9 months, I would make the following two recommendations:

1. That the 1999 Legislature expand the pilot project to include up to 12 Judicial districts, involving with rural and urban communities.
2. That the statute relating to the YPC be amended in order to insure that the youth court involves a variety of community representatives in the process. It has been my experience when knowledgeable and concerned community representatives are provided the facts, that they will more often than not make the right decision.

Finally, I would like the committee's indulgence to site two more personal observations, which I believe are imperative to the premise that the community involvement in this project is owing to it's success.

As stated previously, the Community Action Committee recommends during the placing process, that the department employs an Intensive Supervision Officer. During the hiring interview process, it was clearly stated that on a 30 day basis, the success of this position would be reviewed. At the end of the third 90 day review, it was determined by the committee that the goals and objectives of the Intensive Supervision Officer were not being met.

This lack of success was not due to the individual need, but rather the limitation of resources and client level of dysfunction. As a result, in early June of 1998, the ISO position was terminated.

Second, the ultimate success of this project in great part is the result of the Department of Correction's commitment, and staff persistence to succeed. The state and regional staff of the Department of Corrections (DOC) worked diligently with the community every step of the way to ensure that the pilot project would succeed. Not only were they the good bureaucrats keeping track of all the numbers, but they were also partners, insuring that the youth of this district received the service they deserve. Never were they an obstacle, but always a vehicle to insure success.

Sixteenth Judicial District

E.L. (SONNY) BUTTS
Chief Probation Officer

M. BUD BUTTS
Deputy Probation Officer

LARRY M. GRANT
Deputy Probation Officer

Youth Court Services

E.O.C. Building
MILES CITY, MONTANA 59301
(406) 233-3418

JOE L. HEGEL
District Judge

GARY L. DAY
District Judge

August 10, 1998

John E. Paradis, Unit Manager
P.O. Box 201301
Helena, MT 59620-1301

RE: Intervention in Delinquency Pilot Project as indicated in SB46, Section 73.

Dear John,

The following is a breakdown of the pilot project budget and the program I am planning to use for the remainder of the money.

The largest amount of the money, \$68,577.00, spent was on two sex offenders placed out of state. Youth placed in shelter care accounted for \$1,500.00 in expenditures and I also implemented a community youth work program in Baker. The cost of the Baker program will be \$2,000.00 a year. A total of \$1,525.00 was spent on shelter care placements. The remaining budget will help pay for the pilot project I am currently trying to get implemented. This program is called Multisystemic Therapy (MST) and is an intensive family and community-based treatment that address the multiple determinants of antisocial behavior in juvenile offenders.

This program will target youth who are in danger of out of home placement for any reason. The major goal of MST is to empower parents with the skills and resources needed to address the difficulties in raising teenagers and give youth the skills to cope with the problem areas of his life. This program by using a home based model of service delivery allows us to overcome the barriers to service access, increase the family retention in treatment and allows for provisions of intensive services.

The cost of this program will be approximately \$170,000.00 and will be able to include twenty-four families.

One area of our county budget that increased drastically was detention. The amount increased from \$10,000.00 to \$20,000.00, which I feel partially was created by us trying to set up an appropriate community program.

Strengths

1. The autonomy to use the money in a way we feel meets the needs of the community and the youth.
2. The ability to be creative in establishing cost-effective prevention programs locally.
3. It forces us to utilize the least restrictive placements while balancing the needs of the community and those of the youths.
4. We are forced to be economically more resourceful and responsible.
5. We force the treatment agencies to provide treatment in a more effective time frame.
6. The establishment of closer partnerships with other community agencies.
7. To implement some form of screening tools (RAFT) in the decision making process.

Negative

1. Treatment rational can become solely economically driven.
2. The increase in use of secure detention has increased our county detention budget.
3. The legislature in the future does not use the monies they may have saved as a reason to cut placement funding.
4. The initial program was implemented in October of 1997, which created the inability for us to work on a program to remove the two youth in residential sex offender programs. Due to this, \$60,000.00 of the budget was spent before we could implement any other program.
5. A clearer definition of the rules, so all agencies involved are interpreting them the same.
6. The monthly expenditure reports that we are to receive need to be timely.

I would like to see the pilot projects extended for at least two more years to give us the ability to have extended valid statistics to look at. It would also be advantageous to extend this program into other judicial districts to give a state wide sample and outcomes to look at.



This is a very viable program assuming an appropriate budget is always in place.

Feel free to contact me if you have any questions.

Sincerely,



Ernest "Sonny" Butts
Chief Probation Officer

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01/25/99
PUBLIC JUVENILE BUDGET P98&UVSTS MM4

Projected Pilot Project Financial Information 10/15/97-6/30/98

Judicial District	Allocation of Placement Funds	Projected Placement Expenditures	Projected Placement Expenditures	Projected Miscellaneous Expenditures	Non-traditional Services Expenditures	Total Expenditures 10/15/97-6/30/98	Balance
		Non Shelter Care	Shelter Care	(Therapy, etc)			
1	\$237,222	\$113,142	\$52,459	\$8,000	\$18,042	\$191,643	\$45,579
16	\$156,615	\$69,858	\$1,526	\$0	\$500	\$71,884	\$84,731

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80000 SERIES
10% P.C.W.

Pilot Project Summary account:
Individual cases served and program summary.

Expenditures in both pilot districts did not include normal and routine costs of Youth Court Probation Services, costs of pre-adjudicatory detention in a detention facility, placement in Secure State Correctional facilities or programs, placements in facilities or programs that are funded separately within the Department of Corrections or placement costs or services for any youth committed to and placed into out-of-home placements through the Department's Juvenile Parole system.

1st Judicial District.

Fiscal:

Allocation amount for the 8.5 months (October, 1997 through June, 1998):	\$237,000.
Amount not expended:	\$ 45,579.

Expenditures included the following categories:

- Shelter Care for all youth referred to probation (adjudicated and non-adjudicated),
foster care,
- Therapeutic Foster Care Room and Board costs
- Group Home care,
- Therapeutic Group Care Room and Board costs
- Residential treatment programs, in-state and out-of-state
- 8th bed placements in Department Contracted Facilities (Life Skills)
- Supplemental Services for Youth,
- Intake/Assessment program; Administrative and operation cost share.

Community/Programmatic:

The 1st Judicial District Youth Court and Department of Corrections Regional staff, working cooperatively, were able to reduce significantly the number of 1st Judicial Youth Court cases placed in out-of-state facilities and programs. Additionally, those youth actually placed in out of home care appeared to be placed in facilities and programs which are generally considered to be less restrictive in nature than State Correctional facilities. The 1st Judicial District staff, mid-way through the project, were able to successfully use projected unexpended allocated funds to develop and begin operation of an Intake/Assessment program that they credit with continued prevention of placements into more restrictive and more costly services.

During the period of 10/15/97 through 6/30/98, the 1st Judicial District funded services for sixty five (65) offenders using the allocated DOC funds.



The total number of services paid for these sixty five offenders were; One hundred and fourteen (114)

Services paid for were:

- 03 in state foster care placements
- 12 in state group home placements
- 03 out of state residential placements
- 02 in state residential placements
- 83 shelter care placements
- 11 prevention and supplemental services

The highest cost pilot project placement expenditure (for a single service) was for one of the three youth placed in an out-of-state Residential program. Due to a lack of appropriate, available resources in-state that were willing to take him, he (D.W.) was placed in a program in Missouri in January of 1997 and remained in that facility throughout the pilot. The cost for this youth was \$21,960 for the six months at a daily rate of \$131.50. The second highest cost (single service) placement was for a long term In-state Group Care placement. The youth (D.B.) was in placement at the beginning of the pilot period, and remained in placement through June of 1998. The allocation expenditure for this youth was \$15,221 for those months at a daily rate of \$61.13.

The youth D.W. was returned from treatment back to Montana in November of 1998. He is back in his home with family, attending public school. The total expenditure on his care, from the beginning of the Pilot project to date has been \$33,360.

The youth D.B. was removed from the Group Care facility in June of 1998. The total expenditure on her care, from the beginning of the Pilot project to date has been \$15,221. Following her release from the Group Home, she has not been involved in further out-of-home placements through the Youth Court system.

The lowest cost expenditures within this Judicial Pilot were for single day Shelter Care Placements. Shelter Care placements represented the majority of services funded in this Pilot, with the lowest cost service comprising a single day at \$61.13 and the highest cost being a seventy five day stay costing \$4,500. The youth involved in the seventy five day stay left Shelter Care February of 1998 and was placed in a local Group Home program. His total combined cost of care during the Pilot Project period was \$17,500. He remains in that Group Care facility at this time.

The majority of youth, in the 1st Judicial District Pilot, were provided with short term shelter care/assessment/intervention services. This service generally was sufficient to prevent further involvement within the system. A small number of youth, however, received multiple and long lasting services during the Pilot Period. The balance of this report will review and summarize the most significant five of those cases, relative to number of services and length of stay.

Subject number one, C.A.: was in placement in Shelter Care at the beginning of the Pilot project. During the following four months, he was placed in Shelter care on four more occasions, for a total of 68 days of placement. The cost during this period (Oct. 15 through February 15) was



\$5,000. In February of 1998 he was placed with relatives in another state.

Subject number two, J.A.: was first placed in Shelter Care in November of 1997. During the following eight months he was again placed in various Shelter Care facilities on ten more occasions. His total number of days of placement were 63, at a cost of \$5,700.00. His Probation Officer recommended Inpatient mental Health Care, but was unable to access services. At the conclusion of the Pilot period, he remained in Shelter Care. He has subsequently been placed an additional seven times in Shelter Care. In January of 1999 he was placed through a third party pay into a Residential Psychiatric treatment facility.

Subject number three, R.A.: was in placement in Shelter Care at the beginning of the Pilot project. He was placed four additional times during the next three months in Shelter Care and Group Home programs. In February of 1998 he was placed with family out of state. The cost of his placements during the October through February period was \$9,000.

Subject number four, J.B.: was first placed in Shelter Care in January of 1998. During the following six months of the Pilot Project he was placed in three Therapeutic Group Care Placements at a cost to the Pilot Project District of \$4,400. He currently is placed in a Residential Psychiatric Treatment Facility through a third party payment.

Subject number five, T.J.: was first placed in Shelter Care through Pilot program funds in November of 1997. During the following five months she was placed an additional five times for a total number of 86 Placement days. Cost to the Pilot District during this period was \$5,800. In June of 1998 she moved out of state with her family.

This group of five offenders accounted for 32 services out of the total of 114 provided. Their combined cost from Pilot funds was \$30,500. This cost however, does not reflect services or payments made for services on these youth from sources other than Pilot Project funds, including District Youth Court funds and third party payments. Nor does it reflect the time and energy expended by Youth Court staff and officers in making the 32 placements they represent.

16th Judicial District

Fiscal:

Allocation amount for the 8.5 months (October, 1997 through June, 1998):	\$156,600.
Amount not expended:	\$ 84,731.

Expenditures included the following categories:

- Shelter Care for all youth referred to probation (adjudicated and non-adjudicated),
foster care,
- Therapeutic Foster Care Room and Board costs
- Group Home care,
- Therapeutic Group Care Room and Board costs

Residential treatment programs, in-state and out-of-state
8th bed placements in Department Contracted Facilities (Life Skills)
Supplemental Services for Youth.

Community/Programmatic:

The 16th Judicial District Youth Court removed all youth from out-of-state residential placements over the course of the 8.5 month project. They additionally researched and developed a community prevention program, and applied for funding for that program through various sources to be initiated at the conclusion of the Pilot fiscal year. The initiation of this program, The Multi systemic Therapy Program, is expected by the County to prevent a significant number of youth from out-of-home restrictive placements during the coming year.

During the period of 10/15/97 through 6/30/98, the 16th Judicial District funded services for five (5) offenders using the allocated DOC funds.

The total number of services paid for these five offenders were; 10
Services paid for were:
2 in state foster care placements
2 in state Group Home Placements
2 out of state residential placements
4 Shelter Care placements

Highest cost pilot project allocation placements were the two (2) out of state Residential Placements costing a combined \$65,684 during the pilot project time period. However, in the twelve (12) months prior to the pilot program, the Department paid a combined cost of \$121,533.00 for the care of these two youth.

The lowest cost pilot project allocation placement was for five days of Shelter Care for a youth costing \$349.11. Youth was returned home following the intervention and did not re-enter placement.

The following is a brief summary of the five Judicial District 16 youth served during the 8.5 months of the pilot:

Subject number one, M.G: was removed four months into the Pilot project from an out of state secure facility in Colorado when the facility closed. The Colorado placement had been costing \$185.00 per day. Youth was replaced in an in-state Group care program costing \$24.00 per day.

Subject number two, S.S.: was removed from an out of state treatment facility in Missouri upon completion of treatment. Placement had been costing \$200.00 per day. Youth was replaced with his family in another Montana Judicial District.

Subject number three, T.B.: Two weeks after the pilot project was initiated this youth was referred to the Youth Court under a petition of Delinquency and was subsequently placed at Pine Hills.

Subject number four, D.P.: two months after the pilot project was initiated, this youth was referred to the Youth Court under a Delinquency petition and was subsequently placed at Pine Hills.

Subject number five, B.T.: This youth received four days of Shelter Care services under the pilot funds between 2-6-98 and 2-10-98. No further fund expenditures have been reported.

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1999 Montana Legislature

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HOUSE BILL NO. 65

INTRODUCED BY AHNER C

BY REQUEST OF THE DEPARTMENT OF CORRECTIONS

A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING THE INTERVENTION IN DELINQUENCY PILOT PROGRAM; AUTHORIZING THE DEPARTMENT OF CORRECTIONS TO CREATE UP TO 10 ADDITIONAL ACCOUNTS FOR JUDICIAL DISTRICTS, WHICH MAY BE USED TO DEVELOP THE INCREMENTAL COSTS SCALE; AMENDING SECTIONS 73 AND 82, CHAPTER 550, LAWS OF 1997; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 73, Chapter 550, Laws of 1997, is amended to read:

"Section 73. Intervention in delinquency pilot program -- department study of youth placement costs -- development of incremental scale -- report to legislature -- department responsibilities. (1) The department of corrections may conduct a pilot project, the results of which may be used as the basis for developing the incremental costs scale provided for in subsection (3). As a part of the pilot project, the department may identify each judicial district as a high-spending district, an average-spending district, or a low-spending district for youth placements. The department may analyze each category of district and identify the reasons for the spending characteristics in each category of district, such as types of youth, types of crimes committed, effectiveness of programs (including but not limited to the rates of recidivism), community sentiment, availability or lack of availability of placements, length of stay in placements, and case management. The department may target the high-spending districts and work with them in identifying and creating appropriate, lower-cost, and less restrictive placements.

(2) The department may create an account for a high-spending rural judicial district and a high-spending urban judicial district that is based on expenditures for fiscal year 1996 and fiscal year 1997 and may credit each with a proportion of appropriated placement funds. In fiscal year 1998 and fiscal year 1999, the department may create accounts for up to 10 additional judicial districts of which at least 2 judicial districts must have a historically high ratio of adjudication to secure commitment, as determined by the past 3 years of those judicial districts' commitment histories. The proportionate share of the appropriations must be based on the types of youth, types of placements, youth population from 10 to 18 years of age, and a measure of the youth crime rate. The department may work with the regional supervisor, the chief juvenile probation officer, and the youth placement committees in the respective judicial districts to educate them regarding their allocation, to identify all potential placements and funding sources, and to consider the lowest-cost option that is in the best interests of the youth, the victim, and the safety of the community.

(3) The department may study the expenditures for placements for youth offenders for the fiscal years 1996, 1997, and 1998, 1999, and 2000 and develop an incremental costs scale for the purposes of developing a system to charge each judicial district account with the costs of a placement and to credit a judicial district account for using the least restrictive placements and developing community-based



programs. The proportional share allocated to each judicial district must be based on the types of youth, types of placements, youth population from 10 to 18 years of age, and a measure of the youth crime rate.

(4) If the department conducts a pilot program under this section, the department shall present a proposal to the ~~56th~~ 57th legislature that includes the following elements:

(a) The information gathered from the pilot program, as provided in subsections (2) and (3), must be used in the development of the incremental costs scale.

(b) There must be a recommendation for a method to return any balance remaining at the end of a fiscal year to the judicial districts for the explicit purposes of developing additional community programs for youth court purposes.

(c) The assumptions in subsection (5) must be incorporated as a part of the proposed incremental costs scale.

(d) There must be a recommendation and justification for whether to include the state youth correctional facilities and correctional facilities and programs operated by the department in the incremental costs scale.

(5) For purposes of a pilot program, the department shall assume that the department is responsible for:

(a) the payment of residential and treatment costs for adjudicated youth placed in an out-of-home residence or committed to the department for purposes of funding a private residential placement under 41-5-523 or [section 34];

(b) all placement costs of a youth adjudicated in youth court for an offense listed in 41-5-206;

(c) education costs as provided in 20-5-323 and Title 20, chapter 7, part 4; and

(d) treatment costs that are over and above the costs of treatment for which the:

(i) youth is qualified under the public mental health system and medicaid; and

(ii) parent or guardian has third-party coverage.

(6) If the department conducts a pilot program under this section, the department shall prepare a summary of the results of the study and report to the ~~56th~~ 57th legislature."

Section 2. Section 82, Chapter 550, Laws of 1997, is amended to read:

"**Section 82. Termination.** [Section 73] terminates December 31, ~~1998~~ 2000."

NEW SECTION. **Section 3. Effective date.** [This act] is effective on passage and approval.

NEW SECTION. **Section 4. Retroactive applicability.** [This act] applies retroactively, within the meaning of 1-2-109, to all occurrences after January 1, 1999.

- END -





